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REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1878.

Published by Authority.

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Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home Department, No. 2937, dated 19th August 1879.

No. 1220½

FROM

G W. RIVAZ, ESQUIRE,
Registrar, Chief Court, Punjab.

To

LEPEL H GRIFFIN, ESQUIRE,
Secretary to Government, Punjab

Dated Lahore, the 3rd May 1879

SIR

I am directed by the Court to submit the prescribed Annual Statements and Report on the Administration of Criminal Justice in the Punjab during the year 1878

Dates of receipt of Divisional Reports.

2. The Divisional Reports were received on the dates noted below.—

Amritsar, February 17th	Deraját, March 11th
Hissar, February 18th	Jullundur, March 14th
Umballa, March 3rd.	Lahore, March 14th
Pesháwar, March 5th	Rawalpindi, March 14th
Delhi, March 7th.	Mooltan, April 8th.

The report of the Deputy Commissioner of Kohat was only received on the 1st May, too late to be noticed in the Court's remarks. Major Plowden has explained that his time has been so much taken up with border work since the commencement of the year that he was unable to submit his report earlier

The last amended return was received back on the 30th April 1879.

Arrangement of report.

3 The report notices the usual subjects in the following order :—

I. Original jurisdiction.
  A. General review of offences committed and brought to trial.
  B Offences classified
  C. Results of trials
  D. Agency.
  E. Special jurisdiction.
  F. Original work of Courts of Session
  G. Witnesses
II. Appellate jurisdiction of Magistrates and Sessions Courts.
III. Punishments.
IV. Preventive jurisdiction.
V. Chief Court jurisdiction.
VI. Procedure.

PART I.—ORIGINAL JURISDICTION

A.—GENERAL REVIEW OF OFFENCES COMMITTED AND BROUGHT TO TRIAL

Results of the last five years compared.

4 The following comparative statement shows, for the past six years, the number of offences reported, the number struck off the register at the request of the police, the number of offences admitted to have occurred, and the number of cases and persons brought to trial

1	2	3	4	5	6	7
Nature of offences.	Year.	Offences reported.	Offences struck off the register on the application of the police.	Offences admitted to have occurred.	Cases brought to trial.	Persons brought to trial.
Non-bailable	1873	34,292	3,098	31,194	16,613	26,625
	1874	30,850	2,960	27,890	15,087	23,284
	1875	29,542	2,899	26,643	14,310	22,003
	1876	29,243	2,377	26,866	14,056	21,005
	1877	31,202	1,525	29,677	15,570	24,574
	1878	37,269	1,394	35,875	20,555	31,035
Bailable	1873	59,694	733	58,961	56,186	123,418
	1874	65,230	842	64,388	61,118	129,763
	1875	64,321	990	63,331	62,113	130,648
	1876	63,329	681	62,648	59,501	129,318
	1877	63,724	456	63,268	61,089	131,381
	1878	63,396	285	63,111	61,217	128,410
Total ...	1873	93,986	3,831	90,155	72,799	150,043
	1874	96,080	3,802	92,278	76,205	153,047
	1875	93,863	3,889	89,974	76,423	152,651
	1876	92,572	3,058	89,514	73,557	150,323
	1877	94,926	1,981	92,945	76,659	155,955
	1878	100,665	1,679	98,986	81,772	159,445

Offences reported.

5. As in 1877, the most important feature in the above statement is the increase in the non-bailable crime reported during the year. In the report for 1877 an increase of nearly 7 per cent. was noted. The figures for 1878 show a further increase of 19 per cent.

The variation in bailable crime is slight and does not call for special remark.

Offences struck off the register on the application of the police.

6. The number of non-bailable cases struck off the register on the application of the police has again decreased. In only two districts, Ferozepore and Muzaffargarh, was the proportion so struck off in excess of 10 per cent., being in the former 12 and in the latter district 11 per cent. The Court has recently issued instructions to the effect that applications to strike cases off the register shall in future be always supported by a memorandum in English by the District Superintendent of Police, and be disposed of by the Magistrate of the District himself.

7. The reason why the percentage of bailable offences struck off the register is always insignificant was explained in paragraph 8 of the Report for 1877. The results shown in the present statements call for no special remark.

Particulars of increase in non-bailable crime.

8. The increase of non-bailable crime is chiefly under the head of offences against property, as will be seen from the following figures :—

	1877.	1878.
Theft of cattle	3,068	4,069
„ ordinary	9,738	11,986
Lurking house-trespass or house-breaking ...	3,129	3,613
Do. in order to commit theft ...	8,138	10,281

Thus, out of a total increase of 6,198 in the number of non-bailable offences admitted to have occurred during 1878, as compared with the preceding year, 5,876 represents the increase under theft and lurking house-trespass or house-breaking.

Districts which show an increase in non-bailable crime.

9. The increase in non-bailable crime extends to 28 out of 32 districts. In 22 districts the increase exceeded 10 per cent., being highest, 116 per cent., in Hazára. The percentage of increase in the remaining 21 districts is noted below :—

Gurgaon	... ...	79 per cent.
Jullundur	... ...	50 „
Delhi	... ...	43 „
Jhang	... ...	42 „
Rawalpindi	... ...	41 „
Jhelum	... ...	32 „
Dera Gházi Khan	... ...	31 „
Muzaffargarh	... ...	28 „
Amritsar	... ...	26 „
Rohtak	... ...	25 „
Ludhiána	... ...	25 „
Gurdáspur	... ...	25 „
Ferozepore	... ...	21 „
Lahore	... ...	20 „
Sialkot	... ...	18 „
Kángra	... ...	17 „
Karnál	... ...	16 „
Umballa	... ...	15 „
Montgomery	... ...	15 „
Gujránwála	... ...	14 „
Bannu	... ...	12 „

Cause of increase.

10. The increase is attributed, and no doubt correctly, to the scarcity and pressure of high prices which prevailed in most parts of the province during the greater part of the year. In Lahore the fact that notorious bad characters were not on security is assigned as an additional cause of the increase. It would appear that, owing to circumstances which will be explained hereafter, security for good behaviour was taken from only 439 persons in the Lahore District during 1878, as compared with 1,448 persons in 1877 and 909 in 1876. The records of this office show that in 1877 the greater number of the security bonds were taken during the first half of the year, and consequently expired during the first half of the year under report; it is possible, therefore, that the cause noted above may have had some effect on the statistics of the year.

Districts which show a decrease in non-bailable crime.

11. The only district which shows a substantial decrease in non-bailable crime is Pesháwar, and it is noteworthy that in this district the decrease—which amounts to 22 per cent., chiefly in offences against property—is said to be to a great extent attributable to the beneficial effects of a systematic working of the provisions of Chapter XXXVIII of the Criminal Procedure Code.

Sirsa, Dera Ismail Khan and Kohát are the only districts besides Pesháwar which show a decrease in non-bailable crime; in all three districts the decrease is under 3 per cent.

Bailable offences.

12. Of the total number of bailable offences admitted to have occurred, 33,597, or 53 per cent., were offences under the Indian Penal Code, and 29,514, or 47 per cent., were offences punishable under the Code of Criminal Procedure and Local and Special Laws. The proportions in the preceding year were 55 and 45 per cent. respectively.

Variations in bailable crime.

13 The districts in which the variations exceed 10 per cent are noted below :—

District.	Increase.	Decrease.
Gurgaon	10·1	...
Hissár	...	12 4
Sirsa	20·7	...
Ludhiána	42·1	...
Simla	21 2	...
Jullundur	...	12 5
Lahore	...	14 3
Rawalpindi	18·8	...
Gujrat	...	22 4
Shahpur	29 3	...
Mooltan	12 1	...
Jhang	17 9	...
Montgomery	...	11 6
Dera Ismail Khan	...	11 1
Peshâwar	...	17 6
Hazara	...	18·0
Kohât	22 5	...

The general increase in the Ludhiána District is accounted for by a larger number of petty cases of assault and criminal trespass, a more vigorous application of Chapter XXXVIII of the Criminal Procedure Code, and an increased number of prosecutions under the Criminal Tribes' Act. In Shahpur the increase is almost entirely in nuisance cases. A larger number of prosecutions for bad livelihood, and an increased number of references to Councils of Elders, have caused the increase in the Kohat District. In Simla, the increase is due to a more active enforcement of the municipal bye-laws, and in Sirsa to a larger number of prosecutions under Section 34 of the Police Act and an increase in cases of assault and petty mischief.

Gujrat is the only district which shows a marked decrease in bailable crime. The falling off is most conspicuous in cases of assault and enticing away married women, and in applications for maintenance.

Cases brought to trial.

14. The percentage of offences admitted to have occurred in which the offender was brought to trial is noted below.

	In 1877	In 1878
Non-bailable	52	57
Bailable	96	97

The increase in the percentage of non-bailable offences brought to trial is readily accounted for if the cause assigned for the general increase in non-bailable crime, *viz.*, that hard times induced to crime persons not habitually dishonest, is the true one.

Persons brought to trial.

15. The number of persons brought to trial increased from 155,055 during 1877 to 159,445 during 1878, of whom 31,035, as compared with 24,574 during 1877, were charged with non-bailable, and 128,410, as compared with 131,381 during 1877, with bailable offences.

B.—Offences classified.

Offences under the Indian Penal Code.

16. The annexed comparative table is an abstract of so much of Imperial Return No. 2 as deals with offences under the Indian Penal Code. Full particulars regarding the number of offences reported and persons tried for each class of offence during 1878, whether under the Indian Penal Code, the Criminal Procedure Code, or under Local and Special Laws, will be found in Imperial Return No. 2 itself.

Chapter and Subject.	Number of offences reported during the year.		Per-centage of increase or decrease.	Persons brought to trial during the year.		Persons convicted and committed during the year.		Per-centage of persons convicted to those brought to trial.	
	1877	1878		1877	1878	1877	1878	1877	1878
Chapter V.—Concealing design to commit offences (118—120) ...	1	4	+300·0	1	10	...	7	...	70·0
„ VII.—Offences relating to the Army and Navy (131—140) ...	1	3	+200·0	1	5	1	3	100·0	60·0
„ VIII.—Offences against the public tranquility (143—160) ...	793	575	−27·5	5,781	4,513	4,220	3,220	72·9	71·3
„ IX.—Offences by or relating to, public servants (161—171) ...	214	241	+12·6	276	338	88	127	31·9	37·6
„ X.—Contempts of the lawful authority of public servants (172—190)	1,295	1,174	−9·3	2,419	2,177	1,488	1,268	61·5	58·2
„ XI.—False evidence and offences against public justice (193—229)	1,083	1,003	−7·7	1,751	1,662	938	896	53·5	53·9
„ XII.—Offences relating to coin and Government stamps (231—263)	155	243	+56·8	166	269	91	164	54·8	61·0
„ XIII.—Do. do. to weights and measures (264—267) ...	93	110	+18·3	166	176	93	122	56·0	69·3
„ XIV.—Do. affecting the public health, safety, convenience, decency and morals (269—294 A.) ...	602	518	−13·9	1,682	1,459	1,193	1,021	71·0	70·0
„ XV.—Offences relating to religion (295—298) ...	88	79	−10·2	236	181	66	50	28·0	27·6
„ XVI.—Do. affecting the human body—									
1.—Offences affecting life (302—311) ...	771	863	+11·9	1,048	1,155	743	801	70·9	69·3
2.—Miscarriage, injuries to unborn children, exposure of infants, concealment of birth (312—318)	84	70	−16·7	92	80	43	40	46·7	50·0
3.—Hurt (323—338) ...	3,661	3,725	+1·7	6,992	7,015	3,368	3,290	48·1	46·9
4.—Wrongful restraint and confinement (341—348) ...	536	502	−6·3	1,265	1,069	245	214	19·4	20·0
5.—Criminal force and assault (352—358) ...	17,548	16,324	−7·0	39,876	38,348	6,843	6,465	17·1	16·8
6.—Kidnapping, forcible abduction, slavery and forced labor (363—374) ...	272	311	+14·3	491	526	159	211	32·4	40·1
7.—Rape (376) ...	135	132	−2·2	102	107	40	36	39·1	33·6
8.—Unnatural offences (377) ...	109	80	−26·6	99	72	56	45	56·5	62·5
Chapter XVII.—Offences against property—									
1.—Theft (379—382) ...	13,509	16,706	+23·6	12,388	15,900	9,303	12,331	75·1	77·5
2.—Extortion (384—389) ...	177	237	+33·9	344	363	78	67	22·7	18·4
3.—Robbery and dacoity (392-402)	353	385	+9·1	513	519	347	226	67·6	43·5
4.—Criminal misappropriation of property (403—404) ...	449	555	+23·6	711	776	446	424	62·7	54·8
5.—Do. breach of trust (406—409) ...	479	681	+42·2	542	747	274	345	50·6	46·2
6.—Receiving stolen property (411—414) ...	2,859	3,483	+21·8	4,016	4,992	2,563	3,177	63·8	63·6
7.—Cheating (417—420) ...	596	724	+21·5	883	1,069	269	345	30·4	32·3
8.—Fraudulent deeds and dispositions of property (421—424)	19	14	−26·3	39	31	7	8	17·9	25·8
9.—Mischief (426—440) ...	2,298	2,350	+2·3	4,561	4,949	1,663	1,807	36·5	36·5
10—Criminal trespass (447—462)	13,758	15,799	+14·8	7,470	9,453	4,430	5,656	59·3	59·8
Chapter XVIII.—Offences relating to documents and to trade or property marks									
1.—Offences relating to documents (465—477) ...	118	156	+32·2	232	254	72	53	31·0	20·9
2.—Do. do. to trade and property marks (482—489) ...	14	14	...	38	32	8	9	21·1	28·1
„ XIX.—Criminal breach of contracts of service (490—492) ...	27	45	+66·7	41	113	13	22	31·7	19·4
„ XX.—Offences relating to marriage (493—498) ...	3,639	3,303	−9·2	5,114	4,814	786	825	11·4	17·1
„ XXI.—Defamation (500—502) ...	222	210	−5·4	410	319	75	83	18·3	26·0
„ XXII.—Criminal intimidation, insult and annoyance (504—510) ...	493	468	−5·1	805	758	206	171	25·6	22·6
Total ...	66,451	71,087	+7·0	100,551	104,251	40,215	43,529	39·9	41·7

Murders.

17. The number of murders reported during the past year was 363, as compared with 324 during 1877. The following districts show the heaviest calendars. The corresponding figures for 1877 have been added for purposes of comparison.

District.	Number of cases reported.		Persons discharged.		Persons committed for trial.	
	In 1877.	In 1878.	In 1877.	In 1878.	In 1877.	In 1878.
Peshâwar	69	53	39	17	48	42
Rawalpindi	26	36	5	12	37	40
Kohat	25	30	5	36	7	13
Jhelum	13	24	6	2	28	28
Hazára	20	16	16	6	23	43
Amritsar	10	14	5	3	6	17
Lahore	12	14	5	1	11	16
Bannu	14	14	1	4	13	21
Gurgaon	3	13	1	...	3	17
Sialkot	6	12	1	4	4	9
Dera Ismail Khan	5	11	...	14	4	17
Dera Ghazi Khan	14	11	7	...	15	9

The continued decrease in murders for three successive years in the Peshâwar District is very satisfactory. It will also be observed that a satisfactory improvement has taken place in the proportion of cases in which the police succeeded in establishing a *primâ facie* case for the prosecution.

In the Kohat District the number of reported cases of murder has again increased, while the proportion of persons brought to justice continues exceedingly low.

In Rawalpindi and Jhelum, too, the judges regret to observe a substantial increase in the number of murders reported.

Of the 363 reported cases of murder during the year, 27, or 7 per cent., were struck off the register as not having really occurred, 42, or 12 per cent., affecting 112 persons, were disposed of by Councils of Elders in frontier districts, and 284, or 78 per cent., in which 575 persons were concerned, formed the subject of magisterial enquiry.

Out of the 112 persons who were tried for murder by Councils of Elders, 92 were convicted and sentenced to fine and 20 were acquitted.

The following classified table shows the results of the cases of murder which formed the subject of magisterial enquiry. The general results of the previous year have been added for comparison—

	Offences reported.	For disposal.		Disposed of.				
					Persons.			
		Cases.	Persons.	Cases.	Discharged, &c.	Committed.	Died, &c.	Total.
Murders by thugs	4	2	7	2	...	7	...	7
Murders by dacoits	3	...	...	...	...	...	...	...
Murders by robbers	23	15	47	14	11	35	...	46
Murders by poison	32	25	40	25	5	35	...	40
Murders from motives connected with women... ...	137	111	222	108	61	153	4	218
Other murders	164	131	259	124	58	182	3	243
Total {1878 ...	363	284	575	273	135	412	7	554
{1877 ...	324	226	495	210	125	330	6	461

In Sessions Courts, 382 persons were tried for murder during the year. These trials resulted in the conviction of 250 persons, of whom 119 were sentenced to death and 131 to transportation for life, and in the acquittal of 132 persons. The proportion of acquittals is considerably higher than in the previous year, having risen from 29 to 35 per cent. It was especially high in the Delhi (53 per cent), Derajat (50 per cent), and Peshawar (48 per cent) Courts.

Attempt to murder.

18. Under the head of attempt to murder, 57 offences were reported, as compared with 58 during the previous year. Forty-seven persons were tried for this offence during the year, of whom 15 were acquitted or discharged, and 32 were convicted by Deputy Commissioners under their enhanced powers or committed to the Sessions.

Culpable homicide.

19. Cases of culpable homicide have again increased, 160 offences having been reported during the year, as compared with 143 during 1877. The number of persons brought to trial, however, fell from 261 to 226; of these, 71 were acquitted and discharged, 141 were either convicted by Deputy Commissioners under their enhanced powers or committed to the Sessions, and the remaining 14 were awaiting their trial at the close of the year. The percentage of persons convicted and committed is not so high as in 1877, when 85 per cent. of the prosecutions resulted in a conviction or commitment.

Rape.

20. During the year under report, 132 cases of rape were reported, but of these 23 were struck off the register on the application of the police, leaving really only 109 as the number of cases which actually occurred. Of 107 persons brought to trial, only 36 were convicted or committed to the Sessions.

Unnatural Crime.

21. Only 80 cases of unnatural crime were reported during the year, as compared with 109 in 1877. Of the 80 reported, 9 were struck off the register on the application of the police. Out of 72 persons who were tried for this offence, 27 were acquitted and discharged, and 45 were convicted or committed to the Sessions.

Theft, receiving stolen property and burglary.

22. The annexed comparative table shows the number of reported cases of theft, receiving stolen property, lurking house-trespass and house-breaking for 1878 and the preceding five years.

	1873.	1874.	1875.	1876.	1877.	1878.
1. Ordinary thefts, including abetments and attempts ...	10,521	10,651	10,078	10,715	10,254	12,414
2. Cattle thefts do. do. do. ...	5,510	3,902	3,381	2,998	3,235	4,231
3. Receiving stolen property ...	3,262	3,075	3,034	3,032	2,859	3,483
4. Lurking house-trespass or house-breaking ...	2,606	2,311	2,792	2,176	3,158	3,646
5 Do. in order to commit theft ...	7,253	7,393	7,465	6,577	8,421	10,574
Total.	29,152	27,332	26,750	25,498	27,927	34,378

The cause of the large increase in offences under these heads is referred to in paragraph 10 of this report. The following statement shows for each district the number of this class of offences reported during 1878, as compared with the preceding year.

District.	Ordinary thefts including abetments and attempts.		Cattle thefts.		Receiving stolen property.		Lurking house-trespass or house breaking.		Lurking house-trespass or house breaking in order to commit theft.	
	In 1877.	In 1878.	In 1877.	In 1878.	In 1877.	In 1878.	In 1877.	In 1878.	In 1877.	In 1878.
Dehli ...	612	798	52	67	144	276	115	121	375	544
Gurgáon ...	248	508	127	266	85	157	54	29	210	345
Karnál ...	234	259	173	194	90	116	3	217	382	235
Hissar ...	236	248	174	215	62	86	17	28	172	165
Rohtak ...	182	287	94	165	70	106	12	7	327	356
Sirsa ...	216	183	107	85	68	82	...	6	6	77
Umballa ...	555	731	163	164	278	313	152	319	715	610
Ludhiána ...	304	398	46	61	35	53	133	151	157	216
Simla ...	154	174	...	...	12	6	7	1	25	21
Jullundur ...	240	349	32	49	54	79	250	43	211	634
Hoshiárpur ...	335	351	20	43	85	50	315	362	342	355
Kángra ...	312	372	40	42	22	18	48	32	90	122
Amritsar ...	565	631	72	94	120	199	238	273	405	502
Gurdáspur ...	636	708	81	141	68	95	336	493	510	615
Siálkot ...	548	642	118	119	76	113	314	357	484	598
Lahore ...	745	971	258	328	211	250	138	168	545	570
Gujránwála ...	264	280	142	186	118	109	54	53	200	260
Ferozepore ...	315	387	67	67	99	115	14	43	174	186
Rawalpindi ...	396	522	19	42	85	118	178	218	236	351
Jhelum ...	389	436	18	38	52	82	59	56	209	309
Gujrát ...	206	263	55	81	163	169	150	98	318	252
Shahpur ...	151	126	105	124	53	73	33	32	158	167
Moultan ...	616	643	301	320	159	230	65	43	482	500
Jhang ...	103	144	211	322	142	140	4	12	158	229
Montgomery ...	202	180	225	321	104	87	1	16	130	171
Muzaffargarh ...	165	208	61	85	103	98	27	28	198	236
Dera Ismail Khan ...	214	196	82	84	74	72	51	78	160	148
D. G. Khan ...	225	238	105	150	20	28	20	25	74	172
Bannu ...	196	246	58	46	43	35	99	128	224	211
Peshawar ...	317	298	60	61	118	59	227	146	595	587
Hazára ...	240	518	37	141	20	35	25	50	281	526
Kohát ...	133	148	132	140	26	31	19	13	355	304

Out of a total of 22,571 persons brought to trial during 1878 for the above offences, 17,102, or 76 per cent., were committed for trial or convicted. The proportion was 72 per cent. in 1877, and 71 per cent. in 1876.

Highway robberies and dacoities.

23. The returns show a slight increase in highway robberies. During the year under report 116 cases were reported, of which 30 occurred in Gurgaon against 10 during 1877, and 17 in Kohát against 12 in 1877. In Pesháwar there has been a fall from 23 reported offences in 1877 to 12 in 1878. The marked increase in the Gurgaon District has not been explained. Dacoities have also increased, especially in the Kohát and Hazára Districts. In the latter district, 18 cases were reported during the year 1878, as compared with 9 only in the previous year.

The results of the trials for highway robbery and dacoity are not as satisfactory as those obtained during 1877. Of 146 persons brought to trial on charges of highway robbery, no less than 94, or 64 per cent., were acquitted or discharged. This high percentage is chiefly due to four districts, *viz.*, Kohát, where 18 out of 20 persons were acquitted; Bannu, where 12 out of 16 persons were acquitted; Gurgaon, where 29 out of 52 persons were acquitted; and Hissar, where 14 persons were placed on their trial and all acquitted. Of 83 persons brought to trial on charges of dacoity, 37, or 44 per cent., were acquitted or discharged.

Serious mischief by fire.

24. Reported cases of serious mischief by fire have fallen from 86 in 1877 to 76 during 1878, the largest numbers reported being in Bannu, 17 cases, Hazárá, 11 cases, and Kohat, 21 cases. Of 27 persons brought to trial during the year, only 3 were convicted and 2 committed to the Sessions, the rest being either discharged or acquitted.

Noteworthy decreases in bailable offences.

25. In bailable crime, noteworthy decreases occurred under the heads noted below :—

	1877	1878
Rioting	508	334
Resistance to taking or selling property	224	145
Disobedience to lawful order	209	149
False charge of offence	273	210
Negligently endangering life	225	134
Obstructing a public way	51	26
Concealment of birth	43	22
Assault or use of criminal force	17,531	16,306
Enticing away a married woman	3,403	3,056
Offences under the Excise Act	341	196
Do. do. Canal Act	634	329
Do. do. Cattle Trespass Act	1,007	861
Do. do. Cantonments Act	2,713	2,624
Nuisances under the Municipal Act	3,156	2,316
Offences under the Track Law	30	15
Breaches of law relating to prostitutes	602	467

Falling off in assaults in the Jullundur District.

26. In the Jullundur District, cases of assault fell from 842 in 1877 to 459 in the year under report. The local authorities explain that epidemic fever prevailed during a great part of the year in most parts of the district, and that this prevented quarrels and consequent complaints of assault.

Prosecutions under the Excise Laws and Canal Act.

27. The only other variations in the list which call for special remark are those noted under the heads of Excise and Canals. The decrease under the former head is most conspicuous in the Amritsar returns, which show only 2 prosecutions, as compared with 83 in the previous year. The falling off is not noticed in the local reports. An explanation has been asked for. The decrease in prosecutions under the Canal Act is most marked in the Gurgaon and Umballa Districts. In the former district only 37 cases, affecting 90 persons, were instituted during the year, as compared with 183 cases, involving 620 persons, in 1877. In Umballa the number of prosecutions has fallen from 121 to 40. In neither case has the cause of the falling off been explained.

Increase of certain bailable offences.

28. Increases appear chiefly in the following classes of offences :—

	1877	1878
Giving false information	410	482
Extortion	177	236
Dishonest misappropriation	449	555
Cheating	596	724
Mischief (ordinary)	1,542	1,677
Criminal trespass	747	912
Breaches of law relating to Opium	255	291
Do. do. do. Customs	106	261
Do. do. do. Forests	758	834
Breach of laws relating to Railways	136	190
Ditto ditto Arms	151	175
Nuisances under Section 34 of the Police Act ...	4,362	4,805
Miscellaneous offences under the Police Act ...	28	244
Miscellaneous offences under the Municipal Act ...	292	1,197
Breaches of contract by artificers and workmen ...	165	313
Offences under the Criminal Tribes' Act ...	300	555
Breaches of law relating to village watchmen ...	216	290

Cheating, mischief, and criminal trespass.

29. It will be observed that prosecutions for cheating, mischief and criminal trespass have increased. Under the first head, there is a slight improvement in the percentage of convictions. Out of 1,045 persons who were proceeded against, 33 per cent. were convicted, as against 30 per cent. in 1877. The percentage of convictions in cases of ordinary mischief is 36 for both years. Out of 1,811

persons who were prosecuted for criminal trespass, only 450, or 25 per cent., were convicted, as compared with 27 per cent. in 1877 and 32 per cent. in 1876. It should be noted, however, that of the 1,361 persons who were acquitted or discharged, 658 were discharged in consequence of the prosecution being abandoned. The percentage of convictions in cases in which the prosecution was persisted in is 39.

Salt Laws.

30. A large increase in the number of prosecutions under the laws relating to salt and saltpetre is reported from the Gurgaon District. The increase is attributed to the scarcity which prevailed, which left the poorer classes without the means of obtaining their salt lawfully.

Miscellaneous offences under the Police Act.

31. The large increase in the number of miscellaneous offences, *i e*, offences other than nuisances punishable under Section 34 and offences committed by police officers, under the Police Act is entirely due to the Mooltan District, which alone shows 234 out of a total of 244 cases for the province. The increase is attributed by the Deputy Commissioner to the movement of troops. This explanation does not seem sufficiently explicit, and further information has been called for.

Miscellaneous offences under the Municipal Act.

32. The large increase in offences, other than nuisances, punishable under the Municipal Act is chiefly due to the Peshawar and Simla Districts, the former alone supplying 527, and the latter 296 cases under this head.

Criminal breaches of contract by artificers, &c.

33. The increase in breaches of contract by artificers and workmen chiefly occurred in the Ludhiana District, which shows 164 cases under this head out of a total of 313 for the province. Out of 667 persons who were brought to trial, not quite 24 per cent. were convicted.

Prosecutions under the Criminal Tribes' Act.

34. The increase in prosecutions under the Criminal Tribes Act is chiefly due to increases in the Gurgaon, Ludhiana and Sialkot Districts. Out of 739 persons tried under this Act, 85 per cent were convicted.

Prosecutions under the Track Law.

35. Only 28 persons were proceeded against under the Track Law, as compared with 49 in the previous year; of the persons brought to trial, only 2 were convicted.

Offences under the Code of Criminal Procedure.

36. Offences under the Criminal Procedure Code will, as usual, be noticed separately in Part IV.

C.—General Results of trials and enquiries by Magistrates.

Persons for trial.

37. Altogether, 157,613 persons were brought before the various magisterial authorities during the year, as compared with 154,362 during 1877. The following comparative table shows the manner in which these persons came before the Courts—

In what manner.	1877.		1878.	
	Number.	Percentage.	Number.	Percentage.
Under arrest by police	62,337	40·4	68,182	43·3
Under warrant	9,268	6·0	9,693	6·1
Upon summons	77,317	50·1	74,876	47·5
Voluntarily	5,405	3·5	4,822	3·1
By transfer	35	·0	40	·0
Total ...	1,54,362	100	1,57,613	100

The increase in the proportion of persons arrested by the police, and the decrease in the proportion who attended in obedience to a summons, correspond to the altered proportion between the number of persons charged with non-bailable and bailable offences.

General results of magisterial enquiries and trials.

38. Including 1,832 persons awaiting trial at the close of the previous year, there were 159,445 persons for disposal during the year. Of these 157,694, or 98·9 per cent., were disposed of as follows :—

Committed to the Sessions for trial	776 or	·5
Convicted	83,406 or	52 9
Acquitted	18,004 or	11 5
Discharged	55,172 or	34 9
Died, escaped or transferred	336 or	·2

Leaving 1,751 persons under trial at the close of the year. Of the number discharged 33,719 represents the number of persons discharged in consequence of the non-appearance of the complainant or the withdrawal of the complaint.

Results in each district.

39. The results of trials and enquiries in the different districts are summed up in the following comparative statement.

1 District.	2 Year.	3 Committed for and convicted of non-bailable offences.	4 Committed for and convicted of bailable offences under the Indian Penal Code.	5 Committed for and convicted of offence under the Criminal Procedure Code and Special and Local Laws.	6 Total percentage committed and convicted.
Delhi	1877	76 4	17·8	72·1	49 3
	1878	73·9	26·6	63 4	52 7
Gurgaon	1877	74·7	44·6	73·6	62·7
	1878	77·9	35 1	81·3	65·8
Karnál	1877	68·2	58 1	74·9	68 0
	1878	71·3	47 2	76·2	65·5
Hisár	1877	71·7	32·4	84 3	57·8
	1878	71 8	33 3	79 2	58·3
Rohtak	1877	71 2	50·0	82·1	68·9
	1878	74 4	50 8	81 4	70·4
Sirsa	1877	71·9	38 3	70·8	56 9
	1878	69 6	42·0	77 6	59·5
Umballa	1877	66 1	36 3	76·3	55 4
	1878	68 8	30 9	77·1	54·6
Ludhiána	1877	74·5	25 7	70·5	44 6
	1878	73 3	29 2	72·8	54·1
Simla	1877	73 1	31·8	95·0	78 4
	1878	76 1	34 3	91·4	79 6
Jullundur	1877	74 2	22·9	70 5	47 9
	1878	70 5	29 8	66 9	53 1
Hoshiárpur	1877	70·1	20 6	47 4	34·5
	1878	73·3	15 9	43·4	31 7
Kangra	1877	74·3	34 7	84 0	57 8
	1878	80 5	37 5	81·1	58·5
Amritsar	1877	69 1	17·1	74 5	44·9
	1878	66·6	19·5	66·1	41 5
Gurdáspur	1877	71·9	18 9	53 3	38·9
	1878	71 1	21·2	66 2	39·8
Siálkot	1877	72·8	13·9	60·7	31 8
	1878	77 8	13 9	67 2	34 8
Lahore	1877	73 0	26·2	81·1	60·3
	1878	72 1	29 3	81 9	60·9

1	2	3	4	5	6
District.	Year.	Committed for, and convicted of non-bailable offences.	Committed for, and convicted of bailable offences under the Indian Penal Code.	Committed for, and convicted of offences under the Criminal Procedure Code and Special and Local Laws.	Total percentage committed and convicted.
Gujránwála	1877	77·6	15·9	86·5	41·7
	1878	82·1	12·9	83·1	44·8
Ferozepore	1877	77·3	40·0	83·4	60·9
	1878	71·9	27·3	72·7	46·1
Rawalpindi	1877	73·4	38·5	72·5	55·1
	1878	76·5	31·3	70·2	50·6
Jhelum	1877	6·8	37·2	66·6	49·1
	1878	72·0	36·3	75·9	54·1
Gujrat	1877	68·6	22·9	37·1	32·7
	1878	70·5	21·8	53·6	39·7
Shahpur	1877	71·7	45·3	76·7	60·9
	1878	70·0	47·1	63·6	58·4
Mooltan	1877	69·2	42·5	74·9	60·1
	1878	72·8	38·2	82·5	64·4
Jhang	1877	74·5	34·8	64·1	55·1
	1878	71·2	27·1	45·6	45·8
Montgomery	1877	78·5	38·4	70·5	66·7
	1878	73·8	41·1	64·7	59·5
Muzaffargarh	1877	71·6	40·8	77·4	57·6
	1878	72·1	42·7	67·9	56·2
Dera Ismail Khan	1877	69·2	52·2	86·4	69·0
	1878	69·7	42·6	83·2	62·0
Dera Ghazi Khan	1877	70·6	56·8	78·9	66·2
	1878	75·7	51·6	80·4	66·4
Bannu	1877	64·3	49·8	73·6	64·1
	1878	68·6	50·3	82·0	69·0
Peshawar	1877	61·7	52·2	80·6	70·0
	1878	66·6	55·3	82·8	73·6
Hazára...	1877	62·7	30·8	62·3	44·0
	1878	59·9	24·8	56·9	41·1
Kohát...	1877	36·9	61·2	61·2	57·1
	1878	31·9	63·2	65·3	58·3
Total ...	1877	70·9	30·3	74·6	52·7
	1878	71·1	29·5	74·2	53·4

It will be seen that there is not much difference between the general results of the two years.

Percentage of convictions in non-bailable cases.

40. In the Kohat District the percentage of convictions in non-bailable cases has fallen from 36·9 to 31·9. In the remaining districts of the province the results shown in the statement are satisfactory.

Percentage of convictions in bailable cases under the Indian Penal Code.

41. In bailable offences punishable under the Indian Penal Code, the percentage of convictions is exceedingly low in the districts of the Amritsar Division and in the Hoshiárpur and Gujránwála Districts. The returns of these districts have for many years been conspicuous in this respect, and a principal cause is that they always show an exceptionally large number of assault cases, the majority of which, as will appear later, terminate in the parties coming to terms out of Court.

Percentage in cases tried under the Criminal Procedure Code & Local & Special Laws.

42. In offences punishable under the Code of Criminal Procedure and Local and Special Laws, the percentage of convictions is lowest in the Hoshiárpur District, where it was also low in the previous year, and in the Jhang District. In both districts the percentage has been affected by a large number of compromises and withdrawals in applications for maintenance and in prosecutions under the Cattle Trespass Act. An additional cause for the low percentage in the Jhang District is to be found in the result of the trials under Chapter XXXIX of the Criminal Procedure Code. Twenty persons were proceeded against under that chapter and every single prosecution failed.

Results of prosecutions for assault & using criminal force.

43. The following statement shows the results of prosecutions for assault and using criminal force.

DISTRICT.	Total number of persons disposed of.	PERCENTAGE OF PERSONS.		
		Discharged in consequence of non-appearance of complainant or withdrawal of complaint.	Acquitted and discharged.	Convicted.
Delhi	752	40·4	37·4	22·2
Gurgaon	732	64·7	18·6	16·7
Karnál	234	26·5	47·9	25·6
Hissar	647	49·8	34·4	15·8
Rohtak	209	51·2	21·7	27·1
Sirsa	209	50·2	28·7	21·1
Umbálla	1,462	63·7	15·7	20·6
Ludhiána	1,484	71·0	10·7	18·3
Simla	221	39·8	34·4	25·8
Jullundur	1,314	53·1	24·1	22·8
Hoshiárpur	1,950	79·2	12·9	7·9
Kángra	1,628	52·5	24·2	23·3
Amritsar	3,367	60·9	23·6	15·5
Gurdáspur	2,994	65·3	18·9	15·8
Siálkot	3,192	74·8	15·1	10·1
Lahore	1,692	59·7	23·9	16·4
Gujránwála	2,612	84·9	5·9	9·2
Ferozepore	1,143	79·7	4·7	15·6
Rawalpindi	3,083	51·7	31·2	17·1
Jhelum	1,568	50·6	26·9	22·5
Gujrat	1,374	70·3	19·2	10·5
Shahpur	463	54·0	24·6	21·4
Mooltan	1,123	47·2	35·3	17·5
Jhang	410	44·1	26·9	29·0
Montgomery	292	61·3	11·3	27·4
Muzaffargarh	414	47·1	26·3	26·6
Dera Ismail Khan	513	54·0	23·4	22·6
Dera Gházi Khan	430	22·6	27·9	49·5
Bannu	606	52·0	27·6	20·4
Peshawar	453	43·7	24·3	32·0
Hazára	1,086	67·0	20·1	12·9
Kohát	96	13·5	44·8	41·7
Total ...	37,843	61·9	21·0	17·1

Results commented on.

44. The above statement supplies the information which was promised in paragraph 26 of the Court's Report for 1877. The very large proportion of persons discharged in consequence of the non-appearance of the complainant or the withdrawal of the complaint seems to establish the point which was contended for in last year's reports, that the low percentage of convictions in this class of cases is mainly due to causes beyond the control of the Courts.

Results of prosecutions for enticing away married women.

45. According to the figures given in the returns, prosecutions for enticing away married women resulted in 752 persons being convicted and 3,474 persons being acquitted or discharged, and out of the 3,474 persons who were acquitted and discharged, only 968 are shown as having been discharged in consequence of the abandonment of the prosecution. The local reports, however, explain that these figures cannot be relied on, as the offence of enticing away a married women not being one which may be legally compounded in the existing state of the law, the Courts have *pro formâ* to treat cases in which the prosecution is not

persisted in as cases in which the prosecution has failed, and the formal order of the Court is usually followed in the statistical registers. Section 347 of the new Code of Criminal Procedure now before the Legislative Council distinctly provides that offences under Section 498 of the Indian Penal Code may be lawfully compounded. Should this provision become law, all difficulty of classification will in future be obviated.

Pending files.

46. It has been already noted that 1,751 persons were awaiting trial at the close of the year under review. Of these 362 were charged with non-bailable offences and 1,389 with bailable offences. As in 1877, the Siálkot District shows the heaviest pending file. At the close of the year, 217 persons were awaiting trial in that district, of whom 22 were charged with non-bailable and 195 with bailable offences.

Oldest pending cases.

47. The following districts show the oldest pending cases at the close of the year:—

Kohát,	2nd June 1878
Jullundur,	6th July „
Rohtak,	22nd July „

Average duration.

48. The average duration in District Courts was 8 days; it has been so for the last five years. By duration is meant the interval elapsing between the date of the admission of a complaint or case on to the Magistrate's file and the date of final order, and thus includes adjournments.

The average duration was highest in the following districts:—

Amritsar	16 days.
Hoshiárpur	14 „
Jhang	14 „
Montgomery	14 „
Gujrat	13 „
Jullundur	12 „
Gurdáspur	12 „
Siálkot	12 „

Average duration of cases disposed of under Section 36 Criminal Procedure Code.

49. The average duration of cases disposed of by Magistrates of Districts under Section 36 of the Criminal Procedure Code was 14 days. It was excessive in the following districts:—

Jhang	40 days.
Rawalpindi	37 „
Ludhiána	31 „
Rohtak	28 „
Muzaffargarh	23 „
Amritsar	22 „

The Deputy Commissioners of these districts have been addressed on the subject.

Proportion of persons tried for non-bailable offences to population.

50. The following table compares the number of persons tried during the past three years for non-bailable offences with the population of each division:—

Division.	1876.	1877.	1878.
Peshâwar per 1,000 of population	1·6	1·7	2·5
Mooltan do.	1·8	1·8	2·3
Delhi do.	1·0	1·3	2·1
Lahore do.	1·4	1·6	2·0
Hissar do.	1·0	1·6	1·8
Umballa do.	1·2	1·3	1·7
Derajat do.	1·8	1·8	1·6
Amritsar do.	1·1	1·3	1·6
Rawalpindi do.	1·1	1·2	1·5
Jullundur do.	·7	·8	1·0
Provincial percentage ...	1·5	1·6	1·8

It will be observed that the provincial percentage has increased from 1·6 to 1·8, and that the Derajat is the only division in which the percentage of the year 1878 is lower than that of the previous year.

D.—Agency for disposal of Criminal work.

By what agency cases were disposed of.

51. In all, 81,347 cases were disposed of by the Criminal Courts of the Punjab during 1878, as compared with 76,228 cases disposed of in 1877. Further particulars are given in the following table:—

Courts.		Number.	Per-centage.
By the Chief Court	1877	1	·0
	1878	1	·0
By Courts of Session	1877	389	·5
	1878	434	·5
By Magistrates of Districts	1877	3,789	5·0
	1878	3,792	4·6
By other Stipendiary Magistrates	1877	58,695	77·0
	1878	63,678	78·3
By Honorary „	1877	13,354	17·5
	1878	13,442	16·6

Distribution of work in districts.

52. The share of original criminal business taken up by the different classes of Magistrates during the past three years is exhibited in the annexed statement. Deputy Commissioners' cases include disposals under Section 36 of the Criminal Procedure Code, as also cases disposed of by Deputy Commissioners of frontier districts with the assistance of Councils of Elders.

Class of Courts	Cases disposed of.			Percentage.			Average number of cases decided by officers of each grade		
	1876	1877	1878	1876	1877	1878	1876	1877	1878
Deputy Commissioners ...	3,657	3,789	3,792	5·0	4·9	4·7	114	118	118
Judicial Assistants ...	1,650	2,390	3,124	2·3	3·2	3·9	79	114	149
Assistant Commissioners ...	7,928	7,468	6,768	10·9	9·9	8·4	124	114	106
Extra Assistant Commissioners ...	18,893	19,057	23,257	26·0	25·2	28·7	187	188	230
Tahsildárs ...	20,170	21,058	21,778	27·7	27·7	26·9	168	175	181
Naib Tahsildárs with judicial powers ...	4,774	4,922	4,600	6·6	6·5	5·7	93	96	131
Cantonment Magistrates ...	4,590	3,795	4,109	6·3	5·0	5·1	574	474	513
Small Cause Courts ...	12	4	36	·02	...	...	6	2	86
Canal Officers ...	443	622	324	·6	·9	·4	44	56	27
Forest Officers ...	2	...	...	...	...	...	2	...	...
Jail Officers ...	211	...	...	·3	...	...	70	...	...
Boards of Honorary Magistrates ...	6,191	7,941	8,111	8·5	10·4	10·0	619	611	624
Jaghirdar Magistrates ...	1,424	2,073	2,032	1·9	2·7	2·5	119	99	56
Honorary Magistrates sitting alone ...	2,741	2,718	2,975	3·7	3·6	3·7	228	135	114
Munsiffs ...	...	1	...	...	...	...	...	1	1

The bulk of the increased criminal work of the year, it will be observed, fell upon Extra Assistant Commissioners.

Work of Judicial Assistants.

53. The following were the districts in which Judicial Assistants took up the largest amount of original criminal business.

District.	Name.	Number of cases disposed of.
Karnál ...	Syad Hadi Husein Khan ...	220
Rohtak ...	Rai Bakhtawar Lal in 318 days ...	262
Hoshiarpur ...	Mr. A. J. S. Donald, in 222 days ...	124
	Diwan Ram Nath, in 143 days ...	163
Gurdáspur ...	Muhammad Hyat Khan in 341 days ...	329
Gujrat ...	Ghulam Nabi Khan ...	410
Shahpur ...	Zulficar Ali ...	189
Mooltan ...	Colonel H. V. Riddell, in 137 days ...	106
Dera Ismail Khan ...	Major Conolly, in 188 days ...	95

The Judicial Assistants of Gujrat and Gurdáspur are again conspicuous for the large number of criminal cases they disposed of in addition to their civil work.

Work disposed of by Tahsíldárs.

54. The number of cases disposed of by Tahsíldárs has slightly increased, but not in proportion to the general increase in criminal work for disposal. The average number of cases disposed of by each Tahsíldár continues moderate, being only 181 during the year, or 15 cases a month. The Judges, however, regret to notice that the provincial average was considerably exceeded in the following districts.

District.	*Average number decided by each Tahsíldár.*
Hoshiárpur	352
Siálkot	352
Rawalpindi	343
Kángra	322
Lahore	277
Gurgaon	274

In Gurgaon the high average is attributed to a weak head-quarters staff, to the increased number of prosecutions, and to a desire to avoid the expense and inconvenience of bringing complainants and witnesses long distances from their homes. The circumstances of the Kángra District are stated to be peculiar, rendering it difficult to relieve Tahsíldárs to the extent deemed desirable, but the Deputy Commissioner reports that orders have been issued to Tahsíldárs to take up less work in future. In Hoshiárpur, the high average is entirely due to too much work having been thrown on one Tahsíldár—the Tahsíldar of Dasúya. During the year under report, a Naib-Tahsíldár with criminal powers was posted to this tahsíl, and the Commissioner reports that a better distribution of work has resulted in consequence.

The increased averages in Siálkot, Lahore and Rawalpindi are not referred to by the Deputy Commissioners. Special reports have been called for on the subject.

In certain tahsíls the number of cases made over to Tahsíldárs was exceptionally high, as will be seen from the following list :—

District.	Tahsil.	No. of cases disposed of during the year.
Rawalpindi ...	Rawalpindi ...	787
Hoshiárpur ...	Dasúya ...	639
Kángra ...	Kángra ...	573
Rawalpindi ...	Fateh Jhang ...	496
Siálkot ...	Zaffarwál ...	429

It has been noted above that steps have been already taken to give the necessary assistance to the Tahsíldár of Dasúya. The pressure of criminal business in the remaining Courts referred to in the statement has been brought to the notice of the Deputy Commissioners concerned as requiring immediate attention.

Boards of Honorary Magistrates.

55. Boards of Honorary and Municipal Magistrates disposed of 8,111 cases during the year, as compared with 7,941 cases in 1877. The subjoined statement shows the number of cases disposed of by each Board during the year:—

Board.	Powers.	Number of cases disposed of.
Amritsar	2nd Class ...	1,906
Delhi	2nd „ ...	1,517
Sonepat	3rd „ ...	62
Mooltan	3rd „ ...	1,137
Lahore	2nd „ ...	694
Peshâwar	3rd „ ...	636
Gujránwála	2nd „ ...	586
Wazirabad	2nd „ ...	303
Jullundur	2nd „ ...	573
Batála	2nd „ ..	233
Rewári	3rd „ ...	142
Rohtak	3rd „ ...	91
Baddoke	3rd „ ...	86
Dera Ismail Khan	2nd „ ...	78
Dera Ghazi Khan	3rd „ ...	67
Total ...	...	8,111

The Amritsar and Mooltan Boards are not favorably reported on. The Commissioner of Amritsar writes that the closer supervision which he and the Deputy Commissioner have exercised over the Amritsar Board during the year has not been without effect, but that there is still considerable room for improvement. Of the Mooltan Board, the Deputy Commissioner reports that its work is not always satisfactory, and that there is considerable jealousy between the members of the Board and the members of the Municipal Committee who formerly exercised magisterial powers.

The remaining Boards are favourably spoken of. The Deputy Commissioner of Lahore notes with regret the loss which the Lahore Board has sustained by the death of Pandit Jowala Nath, which occurred during the year under report.

Honorary Magistrates sitting alone

56. Honorary and Jaghirdar Magistrates sitting alone disposed of 5,007 cases, being 6·2 per cent. of the entire disposals during the year. The following table gives the names of those who rendered most assistance during the year:—

District.	Name of Magistrate.	Powers.	Number of cases disposed of.
Ludhiána ...	Shahzada Nadir ...	2nd Class	608
Amritsar ...	Sirdar Ajit Singh .	1st „	486
	Raja Surat Singh ...	2nd „	315
Gujránwála ...	Sirdar Jhanda Singh ...	1st „	251
Gurdáspur ...	Narinjan Das	2nd „	176
Hoshiárpur ...	Bedi Sujan Singh (Una) ...	2nd „	167
Gurgaon ...	Hardial Singh (Sohna) ...	2nd „	165
Ferozepore ...	Karim Bakhsh, (Naib Nazim, Mamdot) ...	3rd „	162

Results of trials in the different classes of Courts.

57. The following table shows the number of persons tried and the percentage of convictions and commitments in the different classes of Magistrates' Courts.

Class of Court.		Number of persons disposed of.		Percentage of persons convicted and committed.	
		1877.	1878.	1877.	1878.
Deputy Commissioners	...	7,592	6,952	69·5	65·9
Judicial Assistants	Europeans	2,179	2,220	55·7	48·5
	Natives	2,214	3,506	50·2	54·4
Assistant Commissioners	...	14,788	12,416	64·2	63·1
Extra Assistant Commissioners	Europeans	5,656	6,171	52·4	48·5
	Natives	30,111	35,718	52·1	52·6
Tahsildars	...	45,535	46,396	47·3	51·7
Naib-Tahsildars	...	11,729	11,523	37·1	31·7
Munsiffs	...	...	6	...	100·0
Cantonment Magistrates	...	7,310	7,711	75·8	80·2
Judges of Small Cause Courts	...	5	67	80·0	78·1
Canal Officers		1,667	850	69·4	69·4
Boards of Honorary Magistrates	...	15,488	14,716	53·2	51·3
Jágírdár Magistrates		4,229	3,999	45·6	47·5
Honorary Magistrates sitting alone	...	5,620	5,443	46·9	56·4
	Total ...	154,123	157,694	52·7	53·4

The variations call for no special remark.

Distribution of work between grades of Magistrates.

58. Excluding cases disposed of under Section 36 of the Criminal Procedure Code and cases disposed of in frontier districts with the assistance of Councils of Elders, 79,484 cases were disposed of by Magistrates in the exercise of their ordinary magisterial powers. These cases were distributed between the three classes of Magistrates as under:—

Class.	Number of cases.	Percentage.
Magistrates 1st class	38,474	49
Magistrates 2nd class	30,311	37
Magistrates 3rd class	10,699	14
Total ...	79,484	100

The proportion of work disposed of by 2nd class Magistrates has fallen 3 per cent. during the year, and a corresponding increase has taken place in the proportion of work performed by 1st class Magistrates.

Distribution between European and Native agency.

59. European Magistrates disposed of 24·2 per cent., and native Magistrates of 75·8 per cent. of the cases disposed of by District Courts. Last year the percentages were 25·7 and 74·3 respectively.

Work performed by Deputy Commissioners.

60. Deputy Commissioners disposed altogether of 3,792 cases during the year, as shown in the annexed table :—

DISTRICT.			Under his enhanced powers.	Under his magisterial powers.	With the assistance of a Council of Elders.	Under his appellate powers.
Delhi	...	...	54	96	...	15
	Gurgaon	...	22	116	...	52
	Karnál	...	22	53	...	28
Hissar	...	...	26	201	...	46
	Rohtak	...	15	57	...	38
	Sirsa	...	11	126	...	40
Umballa	...	...	33	18	...	32
	Ludhiána	...	44	90	...	49
	Simla	...	7	42	...	...
Jullundur	...	...	24	25	...	69
	Hoshiárpur	...	30	38	...	70
	Kángra	...	19	40	...	19
Amritsar	...	...	52	79	...	152
	Gurdáspur	...	40	43	...	71
	Siálkot	...	34	57	...	106
Lahore	...	...	66	83	...	103
	Gujránwála	...	25	266	...	32
	Ferozepore	...	17	34	...	66
Rawalpindi	...	...	36	15	...	60
	Jhelum	...	47	159	...	85
	Gujrat	...	33	93	...	66
	Shahpur	...	5	33	...	29
Mooltan	...	...	68	61	...	47
	Jhang	...	10	23	...	54
	Montgomery	...	11	49	...	46
	Muzaffargarh	...	16	40	...	58
Dera Ismail Khan	...	...	34	84	27	4
	Dera Gházi Khan	...	46	153	23	15
	Bannu	...	18	88	78	20
Peshawar	...	...	2	19	150	7
	Hazára	...	34	48	45	23
	Kohát	...	9	35	195	3
TOTAL		1878	910	2,364	518	1,503
		1877	726	2,593	470	1,976

The increase in the number of cases disposed of by Deputy Commissioners under their enhanced powers is very satisfactory. As will be pointed out hereafter, Sessions Judges were relieved during the year under report to a much greater extent than in the previous year of cases which did not call for more severe punishment than the Magistrate of the District could inflict, and these cases were of course disposed of more promptly and with less inconvenience to the prosecutors and witnesses concerned than they could have been had they been committed to the Sessions after a formal preliminary enquiry by a Magistrate.

Excluding cases tried in frontier districts with the assistance of Councils of Elders, the following Deputy Commissioners disposed of the largest number of original criminal cases:—

District.	Names of Officers.	Number of cases.
Gujránwála ...	Mr. Bulman ... / Mr. Tolbort ...	291
Hissar ...	Colonel Forster ... / Mr. Stogdon ...	227
Jhelum ...	Major Wace ... / Captain Hutchinson ... / Mr. Clarke ...	206
Dera Gházi Khan ...	Mr. Fryer ... / Mr. Dames ...	197

E.—Special Jurisdiction.

Section 36 Criminal Procedure Code.

61. During the year under report, 910 cases were disposed of by Deputy Commissioners in the exercise of their jurisdiction under Section 36 of the Criminal Procedure Code. Of these, 451 were cases triable exclusively by a Court of Sessions, and 459 were cases triable by a Magistrate in which the Deputy Commissioner exceeded his ordinary magisterial powers of punishment.

The officers who held charge of the Peshâwar District during the year were, owing to pressure of political work, only able to dispose of two cases under this jurisdiction.

The small number of cases taken up in Shahpur is due to the Deputy Commissioner of that district having only been invested with enhanced powers in September.

Details of disposals.

62. Altogether, 1,714 persons were disposed of by Deputy Commissioners under their enhanced powers, of these 601, or 35 per cent., were acquitted or discharged, and 1,113, or 65 per cent., were convicted.

The percentage of acquittals and discharges was highest in the following districts:—

District.	Number of persons disposed of.	Number acquitted and discharged.	Percentage of acquittals and discharges
Hazára	132	90	68
Muzaffargarh	29	19	66
Gujrat	73	45	62
Siálkot	68	38	56
Lahore	100	54	54

The cause of the high percentage in the Hazára District has not been explained. It will be remembered that the Muzaffargarh District was conspicuous for its high percentage of acquittals and discharges in 1877.

Of the 1,113 persons convicted by Deputy Commissioners under their enhanced powers, 379, or 34 per cent, were sentenced, subject to the confirmation of the Sessions Judge, to terms of imprisonment exceeding three years Of the sentences referred for confirmation, 325 were confirmed, 33 were modified, 7 annulled, and 14 remained pending at the close of the year. In 1877, only 259 persons were sentenced by Magistrates of Districts to terms of imprisonment exceeding three years.

Summary trials.

63. The following table shows the number of persons and cases tried summarily in each district during the year.—

District.	Summary Jurisdiction — Persons. Acquitted, discharged &c.	Convicted.	Total number of cases disposed of.
Delhi	193	272	346
Gurgaon	100	258	227
Karnál	31	60	53
Hissar	2	44	29
Rohtak	..	...	
Sirsa .	10	65	45
Umballa	336	375	436
Ludhiána	14	55	45
Simla	9	623	236
Jullundur	89	218	108
Hoshiárpur	54	57	51
Kángra	6	40	40
Amritsar	314	890	766
Gurdáspur	376	446	486
Sialkot	900	249	504

DISTRICT.			SUMMARY JURISDICTION.		
			Persons.		Total cases disposed of.
			Acquitted, discharged, &c.	Convicted.	
Lahore			271	1,420	990
	Gujránwála		86	463	425
	Ferozepore		45	58	83
Rawalpindi			102	1,038	924
	Jhelum		44	189	126
	Gujrat		61	269	213
	Shahpur		35	61	59
Moultan			190	1,032	823
	Jhang		46	103	88
	Montgomery		9	46	45
	Muzaffargarh		4	19	20
Dera Ismail Khan			92	189	130
	Dera Gházi Khan		9	54	35
	Bannu		18	66	10
Peshawar			26	190	112
	Hazára		2	22	23
	Kohát		1	12	8
TOTAL ...		1878	3,515	8,883	7,485
		1877	3,803	9,239	7,042

It will be seen that there has been an increase of 6 per cent. in the number of cases tried according to summary procedure.

By what Courts summary powers were exercised.

64. Further particulars as to how these cases were distributed between the different classes of Courts which exercise summary powers are noted below :—

	1877	1878.
Magistrates of Districts ...	454	674
Cantonment Magistrates ...	2,644	2,523
Boards of Magistrates ...	1,532	1,556
Other officers ...	2,412	2,732

The number of cases disposed of summarily by Boards of Magistrates was nearly the same in both years, but there is this difference between the two years that, whereas in 1877 all but 62 of the cases were disposed of by the Amritsar Board, and most of the remaining Boards which possess summary powers made no use of them whatever, in 1878 the Amritsar Board only disposed of 743 cases, and all Boards possessing summary powers, that is, all Boards with 2nd class magisterial powers, with one exception, made more or less use of their powers. The Jullundur Board apparently still adheres to its old system of trying all cases according to ordinary procedure. Why it does so has not been explained. A report has been called for on the subject.

Increase of summary trials in Sialkot District.

65. There is a very large increase in the number of cases tried summarily in the Sialkot District; 504 cases were disposed of summarily in 1878, as compared with 185 in the previous year. Most of the cases in 1878 were disposed of by Mr. Goldney, Extra Assistant Commissioner. The Court was not satisfied with Mr. Goldney's procedure, and on its recommendation, this officer's summary powers were withdrawn by Government.

Jurisdiction over European British subjects.

66. In all, 138 European British subjects were brought before Magistrates on criminal charges during the year, as compared with 173 in the year 1877, and 195 in the year 1876. Of these persons, 66 were acquitted or discharged, and 67 were convicted and punished by Magistrates. The remaining 5 were committed,—4 to Courts of Session, and 1 to the Chief Court.

Of the 67 persons convicted by Magistrates, two were sentenced to the maximum punishment of 3 months rigorous imprisonment.

Cases disposed of under Frontier Rules.

67. The following comparative statement shows the cases disposed of during 1877 and 1878 under Frontier Rules:—

District.	*Regulation I of 1872, Section 3.* Villages fined for suppression of evidence or harbouring criminals.		*Regulation I of 1872, Section 4.* Cases in which persons were reported on account of quarrels likely to lead to bloodshed		*Regulation I of 1872, Section 8.* Adultery.		*Regulation IV of 1873, Section 2.* Reference to Council of Elders.		*Regulation VII of 1873, Section 6.* Disobeying a prohibition to cross the frontier.	
	1877.	1878.	1877.	1878.	1877.	1878.	1877.	1878.	1877.	1878.
Dera Ismail Khan	...	...	...	...	5	5	24	27	...	...
Dera Gházi Khan	4	2	...	1	6	6	8	23	...	1
Bannu	1	...	...	...	9	2	68	78	...	...
Peshâwur	10	6	14	12	...	...	176	150	...	...
Hazára	...	1	...	...	...	...	52	45	...	...
Kohát	4	...	...	...	6	...	142	195	...	...
TOTAL ...	19	9	14	13	26	13	470	518	...	1

Results of trials by Councils of Elders.

68. Twelve hundred and thirty-two persons were concerned in the 518 cases disposed of by Councils of Elders. Of these 626, or 51 per cent., were convicted. The proportion in the different districts is given below :—

Dera Ismail Khan	53 per cent.
Dera Gházi Khan	70 „
Bannu	43 „
Peshâwar	67 „
Hazára	40 „
Kohát	43 „

An improvement of 5 and 6 per cent. respectively has taken place in the percentages of the Bannu and Kohát Districts. In Dera Ismail Khan, on the other hand, the percentage has fallen from 84 to 53.

Fines imposed under Frontier Rules.

69. In the Peshawar District six villages were fined Rs. 1,075 under Section 3 of Regulation I of 1872; also fines amounting to Rs. 14,815 were imposed by Councils of Elders, of which Rs. 6,548 were awarded as compensation to the injured parties. In Hazára 39 persons were fined Rs. 1,683 by Councils of Elders; Rs. 583 were realized, and Rs. 50 were credited to Government, the remainder being paid away as compensation. In Kohát, Councils of Elders inflicted fines aggregating Rs. 10,082; of this sum, Rs. 8,908 were realized during the year, of which Rs. 5,966 were paid away as compensation, and the balance was credited to Government. In Dera Ismail Khan fines aggregating Rs. 1,155 were imposed by Councils of Elders, of which Rs. 830 were realized and paid as compensation to the aggrieved parties. The results of the trials in the Dera Ghazi Khan and Bannu Districts are not noticed in the local reports.

Opinions as to the working of the rules.

70. The Commissioner of Peshâwar reports that he considers the rules were carefully and usefully worked in the Peshâwar and Kohát Districts, but that he thinks that they were not sufficiently used in Hazára. The Commissioner of the Derajat merely records generally that the effect of the rules in the Derajat is undoubtedly good.

Trial under the Frontier Murderous Outrages Act.

71 It may be here appropriately noted that one case of murder was disposed of during the year in the Bannu District under the Frontier Murderous Outrages Act. The offender was sentenced to death and executed.

F.—Original Work of Courts of Session.

72. The subjoined statement gives full particulars regarding the original work performed by Courts of Session during the year. The general results of 1877 are added for comparison.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	For Disposal.								Disposed of.												
	Pending from 1877.		Committed to the Sessions during 1878.		Received by Transfer.		Total.						Total.		Pending at end of the year.		Percentage of persons convicted.	Number of cases pending over 3 months.	Average duration.	Number of witnesses who attended.	Date of oldest case pending.
Division.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Convicted and referred to Chief Court under Section 287 C. P. C.	Convicted.	Acquitted.	Died, escaped, or transferred.	Cases.	Persons.	Cases.	Persons.					
Delhi ...	6	5	22	29	...	...	27	34	2	17	9	...	25	28	2	6	67·6	...	83	278	31st October 1878.
Hissar ...	...	...	15	29	...	...	15	29	4	14	6	...	14	24	1	5	75·0	...	28	188	7th November 1878.
Umballa ...	2	2	26	43	...	...	28	46	7	20	15	...	26	42	2	4	64·3	...	52	305	22nd do.
Jullundur ...	2	2	29	44	...	...	31	46	9	27	5	...	28	41	3	5	87·8	...	53	319	19th do.
Amritsar ...	1	1	33	61	...	...	34	62	16	27	19	...	34	62	...	...	69·3	...	42	520	...
Lahore ...	...	...	31	51	...	...	31	51	11	15	19	...	28	45	3	6	57·8	...	59	377	14th October 1878.
Rawalpindi ...	7	13	89	172	...	...	96	185	35	79	43	...	80	157	16	28	72·6	...	61	997	17th do.
Mooltan ...	5	6	41	60	...	...	46	66	12	28	18	2	42	60	4	6	66·7	...	93	467	23rd Novr. 1878.
Derajat ...	...	...	37	65	...	...	37	65	11	25	27	...	26	63	1	2	57·1	...	29	302	20th Decr. 1878.
Peshawar ...	14	28	112	222	...	...	126	250	19	109	113	2	121	243	5	7	52·7	2	66	1,374	17th Septr. 1878.
Total ... {1878	36	58	435	776	...	...	471	834	126	361	274	4	434	765	37	69	62·7	2	58	5,327	17th Septr. 1878.
{1877	47	103	379	773	...	...	426	876	86	311	218	2	389	815	37	59	73·1	8	54	4,786	27th July 1877.

Increase in committals in Rawalpindi and Derajat Divisions.

73. The increase in violent crime in the Rawalpindi and Jhelum Districts, to which reference has been already made, led to a marked increase in the number of committals to the Rawalpindi Court. The Derajat Court, too, which, it will be remembered, showed in 1877 an extraordinarily light calendar, shows in the present returns an increase of 12 committals.

Details of disposal.

74. Including 58 persons awaiting trial at the close of the previous year, there were 834 persons for disposal. Of these, 765, or 92 per cent., were disposed of as under:—

	Number.	Percentage.
Convicted and sentenced to death ..	126	16·5
Convicted and sentenced otherwise ..	361	47·2
Acquitted	274	35·8
Died, escaped or transferred	4	·5

In 1877 an unusually large percentage of persons tried by Sessions Courts was convicted. The percentage of the year under review is an average one. The Courts which show the least favourable results are those of Pesháwar, where the percentage has fallen from 67 to 53, the Derajat, where it has fallen from 85 to 57, and Lahore, where not quite 58 per cent. of the persons tried were convicted, as compared with 68 per cent. in 1877.

Pending files and cases.

75. The pending files at the close of the year were moderate in all Courts. The heaviest file was in the Rawalpindi Court, but the number of pending cases was not excessive, regard being had to the amount of business disposed of, and to the fact that the Rawalpindi Commissionership is now, as regards judicial business, the most onerous in the province. Only two sessions cases had at the end of the year been pending for more than three months. Both of these were in the Pesháwar Court. They were both disposed of early in January of the present year.

Average duration of Sessions trials.

76. The average duration of sessions trials has risen from 54 to 58 days. It was exceedingly high in the Delhi and Mooltan Courts.

Jurisdiction over European British subjects.

77. Four European British subjects were tried by Courts of Session during the year, with the results shown in the following statement:—

Division.	Offence with law applicable.	Acquitted.	Convicted.	Sentence on conviction.
Lahore	Personating a public servant, Section 170 Indian Penal Code.	...	1	Fined Rs. 500.
Umballa	Cheating, Sections 417 and 420 Indian Penal Code.	2	...	...
Rawalpindi	Concealment of birth, Section 318 Indian Penal Code.	...	1	6 months rigorous imprisonment.

Assessors.

78. During the year under report, 415 cases were tried by Sessions Courts with the aid of assessors. In 354 cases the Judge agreed with the assessors, or with a majority of them. The number of assessors usually employed was three in all except the Rawalpindi and Peshawar Divisions, where the ordinary number was two.

G.—Witnesses.

Attendance of witnesses.

79. Altogether, 222,832 witnesses attended Criminal Courts during the year under report. Of these, 217,483 attended District Courts, 5,327 Sessions Courts, and 22 attended in the Chief Court.

Detention of witnesses.

80. The subjoined comparative statement shows the periods of detention of witnesses in District Courts during 1877 and 1878.

Periods.	1877.		1878.	
	Number.	Percentage.	Number.	Percentage.
Discharged after one day's attendance ...	178,884	89	189,724	87
Discharged on the second day	17,065	8	20,615	10
Discharged on the third day	3,687	2	4,874	2
Detained for more than three days	1,819	1	2,270	1
Total ...	201,455	...	217,483	...

The Court regrets to observe an increase in the percentage of witnesses detained for more than one day.

Detentions of over three days.

81. The following is a detail of the detentions over three days:—

District.	Four days.	Five days.	6 to 8 days.	9 to 15 days.	16 days and over.
Delhi	45	7	2	4	0
Karnál	19	13	10	0	0
Hissar	16	0	1	0	0
Rohtak	51	34	4	0	0
Umballa	21	0	0	0	0
Ludhiána	81	8	0	0	0
Jullundur	10	10	0	0	0
Hoshiárpur	22	11	20	2	0
Kangra	26	15	17	0	0
Amritsar	185	14	18	0	0
Gurdáspur	4	0	0	0	0
Siálkot	11	0	0	0	0
Lahore	56	3	0	0	0

District.	Four days.	Five days.	6 to 8 days.	9 to 15 days.	16 days and over.
Gujránwála	37	9	4	0	0
Ferozepore	19	0	0	0	0
Rawalpindi	74	65	50	5	0
Jhelum	90	27	0	0	0
Gujrat	42	29	14	0	0
Shahpur	56	1	8	0	0
Mooltan	34	6	0	9	0
Jhang	94	39	16	0	0
Montgomery	58	19	0	0	0
Muzaffargarh	81	19	0	9	0
Dera Ismail Khan	51	0	13	0	0
Bannu	14	15	22	63	10
Peshávar	1	0	2	0	0
Hazára	188	65	32	6	0
Kohát	94	41	0	0	0

The longest detention was, as in 1877, in the Bannu District, where 10 witnesses were detained 16 days in the Deputy Commissioner's Court in a case of bigamy against a Hindu widow who had turned Muhammadan. The Deputy Commissioner explains in his report that he had to make a very long and troublesome enquiry into the case in consequence of the strong religious feeling which it excited in the village where the parties resided. Even if full allowance, however, be made for the difficulties of the case, a detention of 10 witnesses for 16 days seems excessive, and it will be seen that this was not the only case in which witnesses were detained for very long periods in the Bannu District. All the longest detentions were in the Deputy Commissioner's own Court.

Expenses of witnesses.

82. The following statement shows, for District Courts only, the number of witnesses dieted, and the amount expended in diet money in each district during the year :—

Districts.	Number of witnesses examined.	Actual number of witnesses dieted.	Number of witnesses dieted by		Amount of diet money paid.			Average cost of each witness dieted.						Percentage of witnesses dieted to the number examined.
			Police.	Magistrate.	By Police.	By Magistrate	Total.	By Police.			By Magistrate.			
								Rs.	A.	P.	Rs.	A.	P.	
Delhi	9,969	1,091	489	707	102	250	352	...	3	4	...	5	8	10·9
Gurgaon	8,473	3,118	2,200	1,896	733	1,014	1,747	...	5	...	...	8	6	36·8
Karnál	5,863	2,240	2,217	791	304	344	648	...	2	2	...	6	11	38·2
Hissar	6,848	1,077	267	964	69	285	354	...	4	1	...	4	1	15·7
Rohtak	8,037	3,212	2,347	2,210	292	725	1,017	...	1	11	...	5	3	39·9
Sirsa	2,662	565	480	200	80	98	178	...	2	8	...	7	10	21·2
Umballa	10,557	5,592	2,301	4,110	648	1,454	2,102	...	4	6	...	5	8	52·9
Ludhiána	6,024	3,089	1,747	3,089	694	1,418	2,112	...	6	...	...	7	4	51·3
Simla	1,749	70	...	70	...	383	383	...	...	...	5	7	7	4·0
Jullundur	5,164	1,198	247	1,377	138	582	720	...	8	11	...	6	9	23·2
Hoshiárpur	5,317	2,040	1,719	2,040	400	790	1,190	...	3	9	...	6	2	38·4
Kángra	4,587	1,325	826	624	152	352	504	...	2	11	...	8	..	28·4
Amritsar	17,015	5,822	5,414	1,400	979	415	1,394	...	2	11	...	4	9	34·2
Gurdáspur	9,638	2,019	1,472	1,685	234	698	932	...	2	6	...	6	7	20·9
Siálkot	8,400	5,344	4,143	2,289	491	785	1,276	...	1	11	...	5	6	62·1
Lahore	12,846	3,610	3,769	3,318	732	824	1,556	...	2	6	...	7	3	28·1
Gujránwála	9,841	2,153	1,930	400	342	180	522	...	2	10	...	7	2	21·9
Ferozepore	4,126	3,378	2,557	2,811	439	579	1,018	...	2	8	...	3	3	81·9
Rawalpindi	9,930	2,523	2,378	384	578	327	905	...	3	11	...	13	7	25·4
Jhelum	7,490	1,889	1,075	892	339	712	1,051	...	5	1	...	12	9	25·2
Gujrat	4,684	3,044	3,000	96	379	89	468	...	2	...	...	14	8	64·9
Shahpur	4,995	1,095	1,095	185	313	119	432	...	4	7	...	10	...	21·9
Mooltan	9,486	3,012	2,491	1,874	900	997	1,897	...	5	9	...	8	6	31·7
Jhang	4,003	1,736	1,621	645	472	332	804	...	4	8	...	8	3	43·4
Montgomery	4,915	2,094	2,051	211	309	85	394	...	2	5	...	6	6	42·6
Muzaffargarh	5,799	3,484	2,326	1,933	474	767	1,241	...	3	3	...	6	4	60·1
Dera Ismail Khan	2,850	831	751	907	158	593	751	...	3	4	...	10	5	29·2
Dera Gházi Khan ...	3,985	861	...	861	...	372	372	...	...	...	...	6	11	21·6
Bannu	4,894	400	1	399	1	455	456	...	10	...	1	2	3	8·2
Peshávar	9,018	693	...	693	...	372	372	...	...	...	...	8	5	7·7
Hazara	5,845	4,220	879	4,220	167	1,512	1,679	...	3	...	...	5	8	72·2
Kohát	2,473	260	15	260	7	157	164	...	7	11	...	9	7	10·5
Total ... { 1878	217,483	73,085	51,808	43,541	10,926	18,065	28,991	...	3	5	...	6	8	33·6
{ 1877	201,455	61,531	41,113	35,889	9,387	14,811	24,198	...	1	3	...	6	7	30·5

The inequalities in the average rates of diet-money and percentage of witnesses dieted to those examined in the different districts, though they are not quite so great as in previous years, continue. The reports show that the subject has received attention during the year, and in some instances establish satisfactorily that the variations are due to local circumstances, or to the average having been largely influenced by a few exceptional cases. At the same time, it would seem that laxity still prevails in many Courts, especially in Courts presided over by Tahsíldárs and Honorary Magistrates. Commissioners and Deputy Commissioners will be requested to pay special attention to the subject during their next cold-weather tours, and in their next annual reports to mention by name the Courts in which they have discovered laxity or irregularities.

The very high average cost of witnesses in the Simla District is stated by the Deputy Commissioner to be due to three cases, in two of which witnesses had to be summoned from distant districts, while in the third two European witnesses received Rs. 52 from the Magistrate of the District under circumstances which have not been explained. Even if these three cases be excluded, however, the average rate stands at Rs. 2-4-0 for each witness, which is double the rate of any other district in the province. The high average of the Bannu District is no doubt partly due to the long detentions noticed in paragraph 81.

83. During the year under report, 72,188 criminal processes were served by the Sheriffs' establishment, on payment of fees by the parties at whose instance the processes were issued, as compared with 67,717 in the previous year.

PART II.—APPELLATE JURISDICTION OF MAGISTRATES AND COURTS OF SESSION.

Number of appeals instituted.

84. The following comparative table shows the number of appeals instituted in the District and Divisional Courts during the years 1877 and 1878, and the proportion which they bear to the number of original cases decided :—

Grade of Court.	Year.	Number of original cases decided.	Number of appeals instituted.	Percentage of appeals to original cases decided.
Subordinate Magistrates	1877	40,149	2,337	5·8
	1878	41,010	2,016	4·9
Magistrates of Districts exercising ordinary jurisdiction and other Magistrates with full powers. ...	1877	34,493	2,716	7·9
	1878	38,591	3,124	8·1

Falling off in appeals from subordinate Magistrates commented on.

85. The percentages noted in the above table give some useful information on a point which has always been considered of primary importance in connection with the administration of criminal justice. When apprehensions have been expressed as to whether Tahsíldárs do not take up too large a share of the criminal business of their tahsils, District Officers have almost invariably replied that the cases taken up by Tahsíldárs consist for the most part of petty cases which do not occupy much of their time, and which could not be transferred to the Head-quarters Courts without imposing a disproportionate amount of inconvenience on the parties concerned. This contention would seem to be supported by the statistics under review. It has already been pointed out that the year was marked by a large increase in non-bailable crime. It has been further shown that the increase of work fell almost entirely on Magistrates of the first class. We now find that there has been a distinct falling off in the percentage of orders of subordinate Magistrates which were appealed, and at the same time an increase in the percentage of appeals preferred from Magistrates of the first class. Perhaps too much stress should not be laid on these phenomena, but at all events they would seem to show that in a year in which there was a considerable increase in serious crime, the increase affected only very slightly the number of cases disposed of by subordinate Magistrates, while the cases which they did dispose of consisted to a larger extent than usual even of petty unappealable cases. In making these remarks, the Judges are of course only speaking generally. They are aware that in a few particular districts Tahsíldárs are still in the habit of taking up

so many and too important cases; but this is being checked as far as possible, and, on the whole, the Court is of opinion that the criminal work of the province is distributed judiciously and with due regard to the convenience of the people.

Appeals to District Courts.

86. Including appeals pending from the previous year, there were 2,046 appeals, involving 3,467 persons, for disposal by District Courts of appeal during the year 1878. Of these, 2,014 cases and 3,411 persons were disposed of during the year, with the results noted in the annexed table:—

DISTRICT.		Appeals disposed of.						Percentage of persons whose				
		By Deputy Commissioners.		By Judicial Assistants.		By Assistant Commissioners.		Appeals were rejected.	Sentences were confirmed.	Sentences were modified.	Sentences were enhanced.	Sentences were reversed & quashed.
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.					
Delhi		15	18	84	184	..	...	4	46	8	...	42
Gurgaon ...		52	129	...	...	...	...	...	44	32	...	24
Karnál ...		28	58	...	...	...	...	4	45	24	3	24
Hissar		46	74	...	...	...	...	...	69	11	...	20
Rohtak ...		38	69	62	91	...	...	8	66	6	1	19
Sirsa ...		40	55	...	...	...	...	24	31	9	4	32
Umballa		32	39	80	111	16	27	53	11	4	4	28
Ludhiána ...		49	92	22	33	...	...	...	66	6	...	28
Simla ...		...	...	...	...	...	...	...	...	...	...	...
Jullundur		69	144	2	2	...	...	5	37	33	1	24
Hoshiárpur ...		70	139	...	...	...	...	2	43	5	1	49
Kángra ...		19	28	40	50	5	5	3	59	14	1	23
Amritsar		152	226	12	12	...	...	42	25	12	1	20
Gurdáspur ...		71	157	...	...	...	...	14	53	15	1	17
Siálkot ...		105	167	...	...	...	...	...	54	15	3	28
Lahore		103	205	...	...	...	...	1	66	15	4	14
Gujránwála ...		32	44	28	44	...	...	50	11	8	1	30
Ferozepore ...		66	115	...	...	...	...	6	72	8	...	14
Rawalpindi		60	98	134	278	...	...	22	43	5	...	30
Jhelum ...		85	140	...	...	4	10	1	59	14	1	25
Gujrát ...		65	83	...	...	...	...	...	58	17	...	25
Shahpur ...		29	58	...	...	...	...	...	50	12	24	14
Mooltan		47	82	...	...	...	...	49	5	10	...	36
Jhang ...		54	84	...	...	...	...	57	10	9	1	23
Montgomery ...		46	58	...	...	...	...	...	71	5	5	19
Muzaffargarh ...		58	68	...	...	...	...	46	6	4	7	37
Dera Ismail Khan ...		4	4	...	...	...	...	25	50	25	...	...
Dera Gházi Khan ...		15	15	...	...	...	...	47	13	7	...	33
Bannu		20	24	...	...	...	...	25	25	29	12	9
Peshawar		7	13	22	41	...	...	8	44	31	4	13
Hazara		23	35	...	...	...	...	11	20	29	6	34
Kohát		3	3	...	...	...	...	...	34	33	...	33
TOTAL ...	1878	1,503	2,523	486	846	25	42	16	44	12	2	26
	1877	1,976	3,368	358	633	5	16	14	44	16	2	24

Distribution of appeals between Magistrates of Districts and Judicial Assistants.

87. The first point which calls for notice in this table is the distribution of appellate work in the Delhi, Rohtak, Umballa, Kangra and Rawalpindi Districts. In all these districts the bulk of the appellate business was disposed of by the Judicial Assistant. Colonel Gurdon has explained that the time of the Deputy Commissioner of Umballa is always much occupied with miscellaneous business, but that he will endeavour to take up a large share of criminal appeals in future. The Deputy Commissioners of Delhi, Rohtak, Kangra and Rawalpindi have offered no explanation as to why they departed from the course which Government has laid down as that which should be ordinarily followed, and the Court is aware of no sufficient reasons for their having done so. They have been addressed on the subject.

Appeals rejected under Section 278 of the Criminal Procedure Code.

88. According to the figures given in the statement, it would seem that the provisions of Section 278 of the Criminal Procedure Code are still neglected in several districts, and that all appeals are admitted as a matter of course to a hearing under Section 279; but, judging from the very short duration of appeals in some of these districts, the Court is inclined to doubt the correctness of the returns. For instance, according to the returns of the Hissar and Sialkot Districts, not a single appeal was rejected summarily; it seems hardly probable that under these

circumstances the average duration of appeals should have been only 2 days in Hissar and 4 days in Sialkot. So also, if in the Kangra, Ferozepore and Jhelum Districts notice really was given to the appellant in as many cases as are entered in the returns, we should have expected higher averages of duration than 2, 3 and 4 days respectively. Deputy Commissioners have been requested to verify their statements and to report to the Court any errors which they may detect in the figures.

Reversals.

89. The provincial percentage of reversals has risen from 24 to 26. It is very high in the Hoshiárpur District, where it was high also last year, and the only explanation given by the Deputy Commissioner is that a Tahsíldár of experience died during the year. In the Delhi District also the percentage is high, but it is explained that this is due to it having been found necessary to interfere with a large number of orders passed by the Naib Tahsíldár of Delhi.

Enhancement of sentence.

90. Twenty-four per cent. of the persons who appealed to the Magistrate of the Shahpur District had their sentences enhanced. This proportion seems exceedingly high, but the Court had occasion to remark more than once during the year on a tendency on the part of the Tahsíldárs of this district to deal with cases which called for more severe punishment than they had power to inflict, and the Judges do not, therefore, think that there is any reason to apprehend that the power has been harshly or unnecessarily exercised.

Average duration in District Courts.

91. The average duration of appeals in District Appellate Courts was 8 days, compared with 7 days in the three previous years. It was undesirably high in the following districts:—

Jullundur	...	...	...	22 days.
Bannu	...	...	...	16 ,,
Pesháwar	...	...	...	15 ,,
Delhi	...	...	...	14 ,,
Ludhiána	...	...	...	14 ,,
Mooltan	...	...	...	13 ,,
Karnál	...	...	...	12 ,,

Oldest appeal pending at the close of the year.

92. At the close of the year only one appeal had been pending in a District Court for more than two months. The appellant had in this case been sentenced to pay a fine by a Canal Officer, and the Magistrate of the Rohtak District found that he could not satisfactorily dispose of the appeal without visiting the spot; this he was unable to do until after the close of the year.

Appellate work of Courts of Session.

93. The annexed table gives full particulars regarding the appellate work disposed of by Courts of Session during the year under report:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	FOR DISPOSAL.						DISPOSED OF.															
							PERSONS.							TOTAL.				PENDING AT THE END OF THE YEAR.				
DIVISION.	Pending from last year.		Instituted during the year.		Total.		Appeals rejected.		Sentence confirmed.	Sentence modified.	Sentence enhanced.	Sentence reversed.	Proceedings quashed under Sec. 264, Criminal Procedure Code.	After directing further enquiry under sec. 282 Criminal Procedure Code.		Without directing further enquiry.		Cases.	Persons.	Average duration of appeals.	Number of appeals which at the close of the year had been pending more than one month.	Date of oldest case pending.
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Without calling for files.	After perusal of files.						(cases.	Persons.	Cases.	Persons.					
Delhi ..	15	19	235	359	270	378	14	92	168	8	1	93	2	14	29	256	353	..	..	18	..	
Hissar ..	5	9	275	356	280	365	14	...	265	29	10	43	..	5	7	271	354	4	4	7	1	15th Novr. 1878.
Umballa ..	7	7	470	522	477	529	52	345	15	23	3	85	..	3	3	468	520	6	6	9	1	26th ditto.
Jullundur ..	5	5	126	147	131	152	28	18	65	17	2	27	..	..	..	131	152	..	..	23	..	
Amritsar ..	21	22	367	415	388	437	44	264	...	36	6	76	..	..	..	378	426	10	11	18	..	3rd Decr. 1878.
Lahore ..	4	4	425	425	429	429	116	...	148	27	3	128	1	2	2	417	417	10	10	14	5	11th Novr. 1878.
Rawálpindi	3	4	345	434	348	438	22	4	350	19	3	21	..	4	4	331	415	13	19	15	1	28th Octr. 1878.
Mooltan ..	10	17	437	531	443	548	31	74	229	63	4	118	..	9	14	410	503	24	29	43	4	9th Novr. 1878.
Deraját ..	1	1	206	234	207	235	17	5	164	11	7	27	..	3	3	204	232	...	...	6	..	
Pesháwar ..	6	7	222	290	228	297	38	3	150	34	11	59	..	12	25	215	270	1	2	15	..	23rd Decr. 1878.
TOTAL ..	77	95	3,124	3,713	3,201	3,808	371	809	1,552	267	50	675	3	52	78	3,081	3,649	68	81	18	12	28th Octr. 1878.

Results compared.

94. The results of the appeals disposed of by Courts of Session during the year 1878 are compared with the results of the previous year below :—

	1877.	1878.
Percentage of orders upheld	74	73
do. do. modified	7	7
do. do. enhanced	2	2
do. do. reversed or quashed	17	18

The general results call for no special remark.

The percentage of reversals was highest in the Lahore Division, where 30 per cent. of the orders appealed against were reversed. In the Rawalpindi Division the proportion was only 5 per cent., as compared with 4 per cent. in the previous year.

Pending files and cases.

95. The pending files at the close of the year were moderate in all Courts. The oldest undisposed of appeal was in the Rawalpindi Court, and was instituted on the 28th October 1878.

Average duration of appeals in Courts of Session.

96. The average duration of appeals has increased from 16 to 18 days. This is principally due to the high average duration (43 days) of the Mooltan Court. The delay in the Mooltan Court was caused by unavoidable circumstances.

PART III.—PUNISHMENTS.

Punishments inflicted during last two years compared.

97. The annexed table is an abstract of Imperial Return No. 4, and shows in a concise form the punishments inflicted by the various classes of Criminal Courts during the years 1877 and 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			PERSONS SENTENCED TO											PERSONS ORDERED TO FIND OR GIVE		
				Transportation	IMPRISONMENT.					Fine.		Whipping.				
					Rigorous.											
CLASS OF TRIBUNALS.	Year.	Total number of persons punished.	Death.	For life.	For a term.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment or transportation.	In addition to other punishments.	In lieu of other punishments	Security to keep the peace.	Recognizance to keep the peace.	Sureties for good behaviour.
Magistrates Courts	1877	79,322	...	...	6	8,785	7,079	633	...	11,166	46,393	447	3,334	4,339	2,555	6,197
	1878	82,420	1	...	19	11,885	7,505	723	..	13,427	46,159	594	4,833	3,438	2,242	5,615
Sessions Courts ...	1877	684	26	118	35	198	118	10	9	170	24	9	8	35	22	30
	1878	494	126	122	18	135	80	3	2	89	3	2	...	4	3	...
Chief Court ...	1877	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	1878	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Total ...	1877	80,006	86	118	41	8,983	7,197	643	9	11,336	46,417	456	3,342	4,374	2,577	6,227
	1878	82,915	127	122	37	12,020	7,586	726	2	13,516	46,162	596	4,833	3,442	2,245	5,615

Sentences of imprisonment and transportation passed by Courts of Session.

98. It has been already pointed out in earlier portions of this report, that the returns of 1878 show an increase both in the number of cases taken up by Magistrates of Districts under Section 36 Criminal Procedure Code, and also in the number of sentences referred for the confirmation of the Sessions Judge. The satisfactory results of this freer use of their enhanced powers by Magistrates of Districts is nowhere more clearly visible than in the statistics which show the punishments inflicted by Sessions Courts during the last two years. To compare the sentences of imprisonment, whereas, in 1877, 326 persons were sentenced by Sessions Judges to imprisonment, of whom 27 only received terms exceeding 7 years, in the year under

report only 197 persons were sentenced by Sessions Courts to terms of imprisonment which might have been passed by the Magistrate of the District under his enhanced powers. The figures in column 6 of the table also show that in cases punished with transportation Sessions Judges were relieved of more cases in 1878 than in 1877. In making these remarks, the Judges do not desire to lay down a rigid rule that cases which can be adequately punished by the Magistrate of the District should never be committed to the Sessions. It is quite possible that in some districts the disposal of all cases of this character would occupy too much of the Deputy Commissioner's time. The Judges do consider, however, that ordinarily these cases can be more conveniently disposed of by Magistrates of Districts than Courts of Session, and should be so disposed of as far as circumstances permit.

Proportions in which the different punishments were awarded.

99. The proportions in which the different punishments were awarded are shown in the subjoined comparative table :—

PUNISHMENT.	1877.		1878.	
	Number.	Percentage.	Number.	Percentage.
Death	86	·1	127	·1
Transportation for life	118	·1	122	·1
Transportation for a term	41	·0	37	·0
Imprisoned and fined	11,336	14·1	13,216	16·0
Imprisoned and whipped	456	·6	596	·7
Imprisoned only	5,032	6·3	6,520	7·9
Fined only	46,417	58·0	46,162	55·7
Whipped only	3,342	4·2	4,833	5·9
Ordered to find security to keep the peace	4,374	5·5	3,442	4·1
Ordered to enter into recognizance to keep the peace	2,577	3·2	2,245	2·7
Ordered to find security for good behaviour	6,227	7·8	5,615	6·8
TOTAL ...	80,006	...	82,915	...

These figures call for no special remarks.

Imprisonment.

100. The total number of persons sentenced to imprisonment during the year was 20,332, as compared with 16,823 in 1877.

Of these—

4,383, or 22 per cent., were sentenced to terms not exceeding one month;

8,578, or 42 per cent., were sentenced to terms exceeding one month, but not exceeding six months;

6,545, or 32 per cent., were sentenced to terms exceeding six months, but not exceeding two years;

802, or 4 per cent., were sentenced to terms exceeding two years, but not exceeding seven years; and

24, or 1 per cent., were sentenced to terms exceeding seven years.

The proportions were about the same in the previous year.

Rigorous imprisonment and solitary confinement.

101. Of the total number of persons punished with imprisonment, 19,606 persons were rigorously imprisoned, and of these last 12,020, or 61 per cent., were also punished with solitary confinement. The proportion punished with solitary confinement in 1877 was 55 per cent.

In the following districts the percentage of persons sentenced to rigorous imprisonment who were punished with solitary confinement is still low :—

Hoshiárpur	...	45 per cent.
Rawalpindi	...	46 „
Bannu	...	49 „

These percentages, however, compare favorably with those of previous years.

Simple imprisonment.

102. Sentences of simple imprisonment were passed on 726 persons during the year, as against 643 persons during the preceding year.

Forfeiture of property.

103. Only two persons, both in the Rawalpindi Division, were sentenced to forfeiture of property, during the year, as compared with 9 in 1877 and 31 in 1876. The efficacy of this form of punishment has been so repeatedly asserted by successive Sessions Judges of Peshâwar that the Court regrets to observe its disuse in the Peshâwar Division. It is to be regretted, too, the Court thinks, that the punishment was not more freely resorted to in the Rawalpindi Division, where, for four years past, each year has shown an increasing calendar of murders. The Sessions Judges of Peshâwar and Rawalpindi have been addressed on the subject.

Whipping.

104. The returns show that 4,903 adult and 526 juvenile offenders were whipped, as compared with 3,447 adults and 351 juveniles in the previous year. The punishment was awarded as an additional punishment in the case of 596 persons, and as the sole punishment in the case of 4,833 persons. Of the total number whipped, 1,447, or 27 per cent., were sentenced to over 20 stripes, 2,589, or 47 per cent., to between 10 and 20 stripes, and 1,393, or 26 per cent., to 10 stripes and under.

Fine.

105. Altogether, 59,378 persons, or 72 per cent. of the total number punished, were sentenced to pay fines, either in addition, or in lieu of, other punishment. Of these—

47,691, or 80 per cent., were sentenced to fines not exceeding Rs. 10;
10,419, or 17 per cent., to fines over Rs. 10, but not exceeding Rs. 50;
919, or 2 per cent., to fines over Rs. 50, but not exceeding Rs. 100, and
349, or 1 per cent., to fines exceeding Rs. 100.

Amounts imposed and realized, and awarded in compensation.

106. The fines imposed during the year aggregated Rs. 6,05,198, of which Rs. 3,32,155, or 55 per cent., were realized, as compared with 56 per cent. during 1877. A further sum of Rs. 82,691 was realized on account of fines imposed during previous years, making altogether a total of Rs. 4,14,846 realized, a sum which stands in the proportion of 68 per cent. to the amount imposed during the year.

Of the total amount of fines imposed during the year, Rs. 1,00,787, or 17 per cent., were awarded as compensation. Including sums paid on account of awards of previous years, Rs. 60,456 were actually paid away in compensation during the year.

Operations of last two years compared.

107. The operations of each District and Sessions Court, in the matter of fines and their realization, during the last two years, are shown in the subjoined comparative statement. Realizations on account of fines imposed in previous years are as usual excluded from column 7.

1	2	3	4	5	6	7	8
Division.	District.	Year.	Total number of persons fined.	Total amount of fines imposed.	Average amount of fine per head.	Percentage of fine realized.	Percentage of fine imposed, ordered to be paid in compensation.
Delhi.	Delhi	1877	1,907	16,370	9	41	24
		1878	1 601	13,274	8	43	23
	Gurgáon	1877	1,944	15,909	8	56	3
		1878	1,867	15,006	8	37	8
	Karnál	1877	1,025	11,015	11	52	19
		1878	1,120	19,950	17	26	8
	Sessions Court	1877	7	205	29	...	...
		1878	3	250	83	...	...
Hissar.	Hissar	1877	1,494	13,896	9	62	17
		1878	1,420	14,737	10	55	23
	Rohtak	1877	1,843	21,247	16	50	18
		1878	1,529	15,843	10	54	11
	Sirsa	1877	429	7,033	16	45	38
		1878	611	6,523	11	59	15
	Sessions Court	1877	25	1,195	48	1	4
		1878	3	150	50	92	...
Umballa.	Umballa	1877	2,772	31,796	11	52	7
		1878	2,747	28,900	10	50	8
	Ludhiána	1877	1,185	17,583	15	45	12
		1878	2,580	11,852	5	60	6
	Simla	1877	1,605	5,969	4	86	7
		1878	1,738	6,208	4	72	6
	Sessions Court	1877	13	990	76	3	...
		1878	4	245	61	...	...

1	2	3	4	5	6	7	8
Division.	District.	Year.	Total number of persons fined.	Total amount of fines imposed.	Average amount of fine per head.	Percentage of fine realised.	Percentage of fine imposed ordered to be paid in com. pulsion.
Jullundur.	Jullundur	1877	2,897	12,509	4	74	15
		1878	2,920	14,481	5	52	13
	Hoshiárpur	1877	1,328	14,938	11	52	3
		1878	1,183	9,674	8	43	6
	Kángra	1877	2,518	12,697	5	82	12
		1878	2,846	14,825	5	73	16
	Sessions Court	1877	5	205	41	67	...
		1878	14	1,630	116	7	...
Amritsar.	Amritsar	1877	3,965	25,679	6	64	14
		1878	3,014	29,660	10	57	16
	Gurdáspur	1877	1,875	18,936	10	56	12
		1878	1,922	17,172	9	66	14
	Siálkot	1877	1,642	15,719	10	45	12
		1878	1,908	13,401	7	52	6
	Sessions Court	1877	16	1,100	69	9	...
		1878	7	2,300	329	95	92
Lahore.	Lahore	1877	3,372	26,056	7	50	14
		1878	3,899	44,596	11	40	12
	Gujránwála	1877	1,650	17,196	10	49	14
		1878	1,693	15,199	9	48	11
	Ferozepore	1877	2,641	16,598	6	67	12
		1878	1,739	13,794	8	63	19
	Sessions Court	1877	2	100	50	25	50
		1878	6	1,000	167	65	...
Rawalpindi.	Rawalpindi	1877	3,950	35,535	9	75	12
		1878	4,638	34,569	7	70	10
	Jhelum	1877	1,664	19,498	12	66	15
		1878	2,249	21,205	9	63	15
	Gujrat	1877	1,187	17,534	15	62	17
		1878	887	13,140	15	42	13
	Shahpur	1877	1,253	20,867	16	56	11
		1878	1,496	22,058	15	67	9
	Sessions Court	1877	13	1,820	140	5	...
		1878	34	3,455	102	65	...
Mooltan.	Mooltan	1877	2,909	21,261	7	61	9
		1878	3,518	25,286	7	57	11
	Jhang	1877	794	8,275	10	52	24
		1878	719	9,139	12	56	28
	Montgomery	1877	1,075	14,427	13	29	5
		1878	984	12,848	13	30	4
	Muzaffargarh	1877	788	9,964	13	68	16
		1878	844	11,284	13	61	13
	Sessions Court	1877	26	3,175	122	1	3
		1878	4	300	75	25	17
Derajat.	Dera Ismail Khan	1877	860	11,290	13	77	21
		1878	876	11,945	14	74	19
	Dera Gházi Khan	1877	1,221	21,822	18	47	19
		1878	1,042	22,536	21	61	30
	Bannu	1877	1,337	14,774	11	91	20
		1878	1,169	18,361	16	94	32
	Sessions Court	1877	11	1,050	95	15	...
		1878	9	650	72	6	...
Peshawar.	Peshawar	1877	2,788	46,308	17	38	28
		1878	2,415	50,836	21	42	36
	Hazára	1877	1,532	13,094	9	61	14
		1878	1,162	16,313	14	35	10
	Kohát	1877	609	11,504	19	81	36
		1878	959	19,713	22	73	39
	Sessions Court	1877	76	4,262	56	17	16
		1878	8	890	111	27	21
	Total ... Districts ...	1877	57,559	5,65,904	10	58	15
		1878	59,286	5,94,328	10	55	17
	Total ... Sessions Courts ...	1877	194	14,102	73	9	6
		1878	92	10,870	118	52	22

Average incidence and realizations in District Courts.

108. There is no alteration in the average incidence of fine in District Courts, but the percentage of realization has fallen from 58 to 55. The falling off is most marked in the Karnál and Hazára Districts. In the former

district the percentage has fallen from 52 to 26, and in the latter from 61 to 35. It will be remembered, however, that in both these districts the general scarcity was felt with peculiar severity, and an additional cause for the extraordinary falling off may be found in the high rates of fine imposed. The fact that, in spite of severe distress, the average incidence of fine rose in the Karnál District from Rs. 11 to Rs. 17, and in the Hazára District from Rs. 9 to Rs. 14, seems to argue a want of discretion in the Courts responsible for these results. The percentage of fines recovered in the Montgomery District is, as usual, exceedingly low, and in this district also the average incidence is exceptionally high.

Fines imposed by Courts of Session.

109. Fines aggregating Rs. 10,870 were imposed by Sessions Courts during the year 1878, as compared with Rs. 14,102 in the previous year.

Revised fine circular.

110. The Court has recently issued a revised circular on the subject of fines and their realization, which, the Judges hope, may lead to greater attention being paid in future to these important subjects.

PART IV.—PREVENTIVE JURISDICTION.

Preventive jurisdiction.

111. The following comparative statement shows the use made by Magistrates of their preventive jurisdiction under Chapters XXXVII to XLI of the Criminal Procedure Code during the years 1877 and 1878.

Nature of jurisdiction.	Year.	Total cases.	Persons against whom proceedings were concluded.	Persons with respect to whom action was taken.
Recognizance or security to keep the peace, Chapter XXXVII Criminal Procedure Code.	1877	2,363	8,909	6,894
	1878	2,039	7,705	5,680
Security for good behaviour, Chapter XXXVIII Criminal Procedure Code.	1877	4,630	7,503	6,197
	1878	4,566	6,664	5,615
Local Nuisances, Chapter XXXIX Criminal Procedure Code ...	1877	111	656	11
	1878	57	272	169
Possession, Chapter XL Criminal Procedure Code ...	1877	84	275	19
	1878	86	205	24
Maintenance, Chapter XLI Criminal Procedure Code ...	1877	2,583	2,591	507
	1878	2,767	2,767	533

Security to keep the peace.

112. Of the 5,680 persons called upon to furnish recognizance or security to keep the peace, 1,845 were residents of the Peshawar District, 1,098 of Bannu, 532 of Kohát, and 286 of Rawalpindi. The large number of persons who are each year called on to furnish security to keep the peace on the frontier was commented on by the Lieutenant Governor in his review of the Criminal Report for 1877. The reasons for this peculiarity have been communicated to Government in a separate correspondence.

Of the entire number of persons who were called on to furnish guarantees for peaceable behaviour, 338, or 6 per cent. were committed to prison in default. Of this number the Rawalpindi District alone supplies 98, a number which seems exceedingly high with reference to the number of persons from whom security was demanded. The high proportion is not noticed in the local reports. Further particulars have been asked for. Out of the 338 persons who were committed to prison in default of furnishing security to keep the peace, only 84 remained in prison more than a month.

Security for good behaviour.

113. A full report on the working of the law relating to the taking of security for good behaviour in the Punjab has been recently submitted to Government. It will be only necessary, therefore, on the present occasion to very briefly notice the operations of the year under report.

The returns for the province show a decrease of 9 per cent. in the number of persons called on to furnish security. The annexed table shows the number of persons placed on security in each district, the percentage who were committed to prison in default of furnishing the required security, and the percentage who were detained in prison for more than a month. A column has been added to show the number of admitted cases of non-bailable house-trespass and house-breaking, in order that His Honor may be in a position to examine the relations between burglarious offences and cases of security for good behaviour which he discussed in his remarks on last year's Criminal Report.

District.	Number of admitted cases of non-bailable house-trespass and house-breaking.	Number of persons from whom security for good behaviour was demanded.	Percentage of persons imprisoned in default.	Percentage of persons imprisoned in default for more than a month
Delhi ...	661	171	45	22
Gurgaon ...	378	49	82	2
Karnál ...	432	79	59	42
Hissar ...	192	100	38	25
Rohtak ...	352	118	90	47
Sirsa ...	81	17	94	76
Umballa ...	894	226	31	26
Ludhiánah ...	357	147	55	41
Simla ...	20	7	43	14
Jullundur ...	663	46	87	74
Hoshiárpur ...	741	83	63	...
Kángra ...	154	2	100	100
Amritsar ...	768	232	65	36
Gurdáspur ...	1,110	135	87	51
Siálkot ...	951	103	85	48
Lahore ...	734	439	5	5
Gujránwála ...	313	1,264	7	3
Ferozepore ...	213	125	1	...
Rawalpindi ...	565	116	88	61
Jhelum ...	349	40	57	45
Gujrat ...	352	182	71	...
Shahpur ...	197	49	16	6
Mooltan ...	529	53	62	62
Jhang ...	239	2	...	...
Montgomery ...	181	106	14	7
Muzaffargarh ...	246	35	60	17
Dera Ismail Khan ...	214	76	68	46
Dera Gházi Khan ...	198	149	61	35
Bannu ...	346	804	5	3
Peshâwar ...	742	447	14	3
Hazára ...	570	56	57	...
Kohát ...	314	157	19	17
Total ...	14,026	5,615	30	15

Tested by the rule laid down by Government, that preventive measures under Chapter XXXVIII of the Code of Criminal Procedure should be actively resorted to in districts where burglarious offences are prevalent, the number of persons placed on security in Hoshiárpur, Kángra, Gurdáspur, Siálkot, Mooltan, and Hazára seems small, and the Deputy Commissioners of these districts will do well to bear in mind His Honor's observations in their next cold-weather tours.

Security for good behaviour was, in the year under report, most freely demanded in the following districts:—

Gujránwála	1,264 persons.
Bannu	804 persons.
Pesháwar	447 persons.

In the Lahore District only 439 persons were placed on security, as compared with 1,448 persons in 1877 and 909 persons in 1876. The Deputy Commissioner explains that, owing to exceptional causes, the usual tours of enquiry had to be curtailed, but that the matter was taken up early in the year now current.

Imprisonment in default of furnishing security for good behaviour.

114. The percentage of persons imprisoned in default of furnishing security has risen from 23 to 30. It will be observed that, as a general rule, the percentage is highest in the districts in which comparatively few persons were called on to furnish security. The cause of this probably is that in these districts cases are not ordinarily taken up except on the special reports of the police, and are then taken up at the head-quarters station. There is thus a double reason for the percentage being high in these districts. In the first place, it may be assumed that the police only specially report the most nefarious characters, who naturally have the most difficulty in finding respectable sureties; but, in addition to this, there can be no doubt that persons brought up for trial at the head-quarters station in the custody of the police do labour under a disadvantage in not being able to communicate as freely with their friends as they can when the cases are taken up on tour at or near their homes, and that this does sometimes lead to persons being committed to prison who could furnish satisfactory sureties had they an opportunity of communicating with their friends before being committed to prison. To prevent unnecessary commitments in these cases, the Court has in a recent circular instructed Magistrates to allow persons convicted of bad livelihood to remain at large on bail for a reasonable period, in order that they may have an opportunity of communicating with their friends, except in cases in which they consider that no grace can be safely given.

Rather more than one half of the persons who were committed to prison were kept in confinement for more than a month. The proportion of long detentions is highest in the Sirsa, Jullundur, Rawalpindi and Mooltan Districts. The returns do not show the average amount of security demanded in these districts, and without this information the Court has no means of judging whether the high proportions are due to excessive security having been demanded, or to the character of persons concerned being so infamous that no one would be responsible for them. In future returns a column will be added showing the average amount of security demanded in each district.

Cases under Chapter XXXIX Criminal Procedure Code.

115. During the year 1878, only 272 persons were proceeded against under Chapter XXXIX of the Code of Criminal Procedure, as compared with 656 persons in the previous year. Of the total number of cases and persons disposed of, the Rohtak District alone supplies 23 cases, involving 166 persons, all of whom apparently were ordered to remove the nuisance complained of. From an explanation which has been furnished by the Deputy Commissioner it would seem that all were cases in which persons were ordered summarily by Magistrates under Section 518 to remove petty nuisances affecting the public health or convenience.

Excluding the Rohtak cases, there remain 34 cases under Chapter XXXIX of the Criminal Procedure Code, involving 106 persons, against 3 only of whom was action taken.

On the whole, however, it would seem that Magistrates exercised a somewhat wiser discretion in admitting cases under this chapter during the year under report than in previous years.

Cases under Chapter XL Criminal Procedure Code.

116. The results of cases taken up under Chapter XL of the Criminal Procedure Code do not differ greatly from the results obtained in the preceding year. Altogether, 205 persons were proceeded against during the year, and in the case of 24 persons only did the Magistrate find sufficient grounds for taking action. Peshâwar alone shows 31 cases, involving 48 persons, all of which were fruitless, and Hoshiârpur shows 11 cases, involving 43 persons, against 4 only of whom was action taken.

Maintenance.

117. Altogether, 2,767 applications for maintenance were made to Magistrates during 1878, as compared with 2,591 in the previous year. Of the total number of applications, 1,397 were withdrawn or struck off in consequence of the non-appearance or death of the applicant. Of the remaining 1,370 applications, 533 resulted in an order for maintenance, and in 837 cases the application was refused. Only 6 persons were imprisoned in default of payment of maintenance.

Award of compensation under Section 209 Criminal Procedure Code.

118. The following table shows, for the last four years, the number of persons fined and the amount of compensation awarded, under the provisions of Section 209 of the Criminal Procedure Code, in cases of frivolous or vexatious complaints.

Year.	Persons fined.	Total amount of fine imposed.
1875	680	Rs. 3,520
1876	737	„ 3,539
1877	715	„ 3,112
1878	722	„ 3,372

The statistics of the year under report call for no special remark.

PART V.—CHIEF COURT JURISDICTION.

Reference side.

119. During the year, the cases of 129 persons sentenced to death by Courts of Session came before the Court on the reference side for confirmation. The sentences passed upon 83 persons were confirmed, 32 sentences were modified, in the case of 5 persons the sentence was annulled and a fresh trial ordered, and 9 references were pending at the end of the year. Each case lasted on the average 37 days, as against 26 days in the previous year.

Appellate side.

120. The subjoined comparative statement shows the number of criminal appeals instituted in the Chief Court during the years 1877 and 1878 :—

DIVISION.	Appeals against the orders of Sessions Judges.		Appeals against the orders of Magistrates of Districts.		Total.	
	1877.	1878.	1877.	1878.	1877.	1878.
Delhi	19	10	12	33	31	43
Hissar	9	25	25	21	34	46
Umballa	29	24	16	45	45	69
Jullundur	25	17	7	14	32	31
Amritsar	22	27	60	62	82	89
Lahore	22	17	29	31	51	48
Rawalpindi	39	70	29	32	68	102
Mooltan	12	30	42	60	54	90
Derajat	25	20	36	54	61	74
Peshawar	63	77	11	11	74	88
Total ...	265	317	267	363	532	680

It will be seen that there was a considerable increase in the number of institutions. Of the total number instituted, 47 per cent. were appeals against the orders of Courts of Session, and 53 per cent. against sentences passed by Deputy Commissioners in the exercise of their enhanced powers under Section 36 of the Criminal Procedure Code. The proportions last year were 49·8 and 50·2 respectively.

Including cases pending from the previous year, there were 737 petitions of appeal affecting 902 persons, for disposal; of these, 682 cases, affecting 836 persons, were disposed of as under :—

DETAIL OF DISPOSAL.	Number of persons disposed of.	Proportion to total number disposed of.
Appeals rejected	341	·41
Sentences confirmed	337	·40
Do. modified	93	·11
Do. enhanced	4	·1
Do. reversed and quashed	61	·7

Leaving 55 cases, affecting 66 persons, pending at the close of the year.

The percentage of orders upheld has risen from 76 to 81, and only 7 per cent. of the sentences appealed against were reversed, compared with 14 per cent. in the previous year. Each appeal lasted on an average 41 days. The average duration last year was 39 days.

The oldest appeal pending at the close of the year was an appeal from an order passed by Major Waterfield, as Sessions Judge of Rawalpindi, in which he had sentenced the accused to transportation for life for murder, and was instituted on the 28th May 1878. On the 9th July the case was remanded to the Sessions Judge, but, owing to pressure of political business, Major Waterfield was unable to return the file till the 5th January 1879. On the 15th of that month the case came before the Court for final hearing, and was then disposed of.

Revision side.

121. The cases of 1,445 persons came before the Court, on its revisional side, during the year. The Court—

Rejected the applications of 795 persons,
Confirmed the sentences of 210 „
Modified the sentences of 138 „
Enhanced the sentences of 55 „
Reversed the sentences of 95 „
Ordered a fresh trial in the case of 152 persons.

The average duration of each case was 32 days, as compared with 24 days in the previous year. At the close of the year 64 cases affecting 94 persons were pending.

Miscellaneous cases.

122. In addition to the above, the Court disposed of 28 miscellaneous criminal cases, and inspected, and where necessary commented on, the files of 60 cases in which the proceedings of the lower Court or Courts seemed open to criticism.

Original jurisdiction.

123. The Chief Court, in the exercise of its original criminal jurisdiction, disposed of one case during the year. The accused was convicted under Section 409 of the Indian Penal Code, and sentenced to 6 years rigorous imprisonment.

PART VI.—PROCEDURE.

124. Most of the subjects usually noticed under this head do not call for special remarks on the present occasion.

Examinations and statements of accused persons.

125. Circulars were issued by the Court during the year under report, on the subject of recording examinations and statements of accused persons. The Judges are glad to learn that their instructions have led to a more careful observance of the requirements of the law in these matters.

Habitual offenders.

126. The returns show that 1,404 persons were convicted during the year, who had been once previously convicted under Chapter XII. or Chapter XVII. of the Indian Penal Code, as compared with 1,114 persons in 1877, and that convictions of persons who had been more than once previously convicted under these chapters increased from 404 to 570.

The Judges believe that habitual offenders are usually punished with due severity, but instances do occasionally come to their notice in which old offenders have escaped with inadequate sentences.

References under Section 46, Criminal Procedure Code.

127. Four hundred and eighty-four cases were referred by subordinate Magistrates under Section 46 of the Criminal Procedure Code, as against 392 cases in the previous year. The largest numbers of references were made by subordinate Magistrates in the Gurgaon, Sirsa, Lahore and Ferozepore Districts.

Supervision.

Mr. Roberts.
„ Benton.
Colonel Gurdon.
Major Wace.
Mr. Fryer.
Major Macaulay.

128. The Court is generally satisfied with the supervision exercised by Sessions Judges and Magistrates of Districts over their subordinate Courts during the year under report. Among Sessions Judges, the Court would specially acknowledge the services of Colonel Davies, C. S. I., and Mr. Perkins. Among Magistrates of Districts, the officers noted in the margin were conspicuous for the care with which they superintended the administration of criminal justice in their districts.

129. The Judges regret that the heavy pressure of work in the Chief Court prevented them from making any inspections of subordinate Courts during the year 1878.

I have, &c.,

G. W. RIVAZ,

Registrar, Chief Court, Punjab

IMPERIAL RETURNS.

IMPERIAL RETURN. **NO. 1.**

STATEMENT SHOWING THE VARIOUS JUDICIAL TRIBUNALS, ORIGINAL AND APPELLATE, EXISTING IN THE PUNJAB ON THE LAST DAY OF THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Class of tribunals, distinguishing those which exercise powers in one department, from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of Judicial Divisions.	Average area of each district in square miles.	Average population of each Division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each, and Jury or Assessors if any.	Judical powers of each tribunal, original and appellate.	Prescribed qualifications of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. *European.* Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same Officer.	Average number of days in the year devoted to Judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.
Munsiffs, exercising Civil powers only ...	Cantonment and District Small Cause Courts, and 74 Munsiffs' Courts.	10,183 square miles.	to last Census, taken in 1868	74	1	Civil powers up to Rs. 300.	...	...	...	...	74			Rs. 19,79,413	Rs. 12,98,530	No executive functions.	gazetted holidays excepted.	Pleaders, and 68 Mukhtars are practising in the Province.	6	1,36,119	...	...
Local and Subordinate Magistrates of the 3rd Class exercising Criminal powers only ... Paid				45	1	Powers of a Magistrate of the 3rd class.	...	...	10	17	19					Superintendent of Jails, Canal, Customs and Forest Department officers.			77	...	420	...
Unpaid				1	1											Honorary Magistrates.			...	2,029	...	...
Local and Subordinate Magistrates of the 3rd Class exercising Civil and Criminal powers Paid				57	1	Powers of a Magistrate of the 3rd class and Civil powers up to Rs. 50.	...	6	...	2	49					Tahsildars, Naib-Tahsildars, Assistant Commissioners and Extra Assistant Commissioners.			7,075	17,657	12,469	...
Unpaid				13	1		...	...	...	...	13					Honorary Magistrates.			312	3,015	...	...
Local and Subordinate Magistrates of the 2nd Class exercising Criminal powers only ... Paid				1	1	Powers of a Magistrate of the 2nd class.	...	...	...	...	1					Canal, Customs and Forest Department Officers.			...	...	...	...
Unpaid				12	1		...	...	1	2	9					Honorary Magistrates.			575	...	...	...
Local and subordinate Magistrate of the 2nd Class exercising Civil and Criminal powers Paid				115	1	Powers of a Magistrate of the 2nd class and Civil powers up to Rs. 300 or in the case of Assistant Commrs., Extra Asst. Commrs. and Honorary Judges, up to Rs. 500.	...	2	...	15	98					Asst. Commrs., Extra Asst. Commrs. Judicial Assts. and Extra Judical Assistants.			21,914	30,147	76,155	...
Unpaid				27	1		...	...	...	5	22	Rs. 11,469.	Rs. 2,476.						1,816	5,967	235	...
Small Cause Courts, confined to their proper functions ...				4	1	Powers under Act XI of 1865.	...	1	...	2	1					Honorary Magistrate.			...	36	14,491	...	...
Small Cause Courts, exercising also Criminal powers ...				8	1	Powers under Act XII of 1864, Act XI of 1865 and Magisterial powers under the Code of Criminal Procedure.	...	...	8	...	...					... ...			4,109	8,635	...	...

Municipal Benches (Unpaid) ...	10 Divisions, containing 32 districts, which are sub-divided into 125 Tahsils and include 12	1,761,150 according	15	*6	Magisterial powers ...	...	...	...	...	80				City Magistrates.	The entire year. Sundays and	9 Advocates, 18 Vakils and attorneys, at Law, 78	8,111	...	...	...
Magistrates of 1st Class exercising Criminal powers only (Unpaid.)			6	1	Powers of a Magistrate of the 1st class.	...	4	2	...	...				Honorary Magistrates.			799	...	...	...
Magistrates of 1st class exercising Civil and Criminal powers other than Magistrates of Districts ... — Paid			121	1	Powers of a Magistrate of the 1st class, and Civil powers up to Rs. 10,000. Judicial Assistants and Extra Judicial Assistants have power to hear original civil suits of any value, and also to hear Criminal appeals from 2nd and 3rd class Magistrates, and Civil appeals from Tahsildars and Naib Tahsildars and Assistant Commissioners and Extra Assistant Commrs, with special and ordinary powers.	...	35	11	17	58				Asst. Commrs., Extra Asst. Commrs., Judicial Assts. and Extra Judicial Assistants.			28,992	31,551	24,414	7,178
Magistrates of 1st class exercising Civil and Criminal powers other than Magistrates of Districts ... — Unpaid			8	1		...	...	...	...	8				Honorary Magistrates.			1,269	3,093	167	...
Magistrates of Districts exercising also Civil powers ...			32	1	Powers of a Magistrate of the 1st class and power to hear Criminal appeals from Magistrates of the 2nd and 3rd class, and on the Civil side, power to hear original suits of any value, and appeals from Tahsildars and Asst. Commissioners and Extra Assistant Commissoiners with special and ordinary powers. These officers also exercise the special powers of Sec. 36. Criminal Procedure Code.	...	19	13	..	...				Deputy Commissioners.			3,792	181	69,712	4,604
Sessions Courts exercising also Civil powers ...			13	1, aided by 3 Assessors.	Powers of a Sessions Judge. On the Civil side these officers have no ordinary original Civil jurisdiction; they hear appeals from Asst. Comrs. and Extra Asst. Comrs with full powers and Deputy Commissioners.	...	8	9	..	..				Commissioners and Superintendents of Revenue ...			316	...	...	9,173
Chief Court ...			1	3 aided by a Jury of 9 men in Original Criminal Trials.	Powers described in Chapter III of the Punjab Courts Act 1877.	...	2	...	1	...				No Executive functions.			1	3	...	2,412
Total ...			553			...	77	54	61	432	...	...	...	..	...	...	79,200	250,888	183,572	23,367

* Average number.

IMPERIAL RETURNS.

IMPERIAL RETURN. NO. 2.

STATEMENT OF OFFENCES REPORTED, AND OF PERSONS TRIED, COMMITTED AND ACQUITTED FOR EACH OFFENCE IN THE PUNJAB DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9
Number.	NOMENCLATURE OF OFFENCES.	Number of Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted and discharged.	Number of persons convicted and committed.	Died, escaped or transferred.	Remaining under trial at the end of the year.
	I.—OFFENCES PUNISHABLE UNDER THE INDIAN PENAL CODE.							
	A.—NON-BAILABLE.							
1	Concealing a design to commit a non-bailable offence ...	118 to 120	2	7	3	4	...	...
2	Waging war against the Queen	121	1	1	...	1	...	...
3	Giving false evidence	194 to 196	5	8	3	4	...	1
4	Fabricating false evidence	194 to 196	2	6	5	1	...	...
5	Resistance to lawful apprehension and rescue ...	225	2	5	...	5	...	...
6	Violation of condition of remission of punishment ...	227	1	4	4	...	...	...
7	Counterfeiting coin	231 to 236	28	29	13	16	...	...
8	Passing or possessing bad or altered coin	239 to 243 and 250 to 254	199	221	80	136	...	5
9	Diminishing or altering coin	246 to 249	8	9	2	7	...	...
10	Murder by Thugs	302, 303, 396	4	7	...	7	...	...
11	„ „ Dacoits	„	3	...	...	...	..	...
12	„ „ Robbers	„	23	47	11	35	...	1
13	„ by poison for sake of robbery	„	6	8	..	8	...	...
14	„ „ from other motives	„	26	32	5	27	...	...
15	Other murders from motives connected with women ...	„	137	222	61	153	4	4
16	„ „ from other motives	„	164	259	58	182	3	16
17	Attempt to murder	307	57	51	15	32	3	1
18	Culpable homicide	304	160	226	71	141	...	14
19	Abetment of suicide	305, 306	3	5	4	...	1	...
20	Causing miscarriage	313 to 316	6	10	3	5	2	...
21	Grievous hurt by dangerous weapons	326	42	76	24	52	...	...
22	Causing hurt or grievous hurt to extort property or confession or to constrain a person.	327, 329, 331 and 333	13	9	3	6	...	..
23	Administering stupefying drugs	328	57	51	26	24	...	1
24	Assault in attempting theft from person	356	18	25	19	6	...	...
25	Kidnapping or abduction	363 to 365 & 367 to 369	196	353	173	151	22	7
26	Abducting a woman to compel marriage, or for defilement.	366	56	108	61	37	1	9
27	Habitual dealing in slaves	371	4	2	2	...	...	...
28	Selling, letting, or unlawfully obtaining a woman for purposes of prostitution.	372, 373	37	50	24	21	4	1
29	Rape	376	132	107	69	36	...	2
30	Unnatural offences	377	80	72	27	45	...	...
31	Theft of cattle	379 to 381	4,231	3,770	863	2,841	28	38

No. 2—*continued.*

1	2	3	4	5	6	7	8	9
Number.	NOMENCLATURE OF OFFENCES.	Number of Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted and discharged.	Number of persons convicted and committed.	Died, escaped or transferred.	Remaining under trial at the end of the year.
	A.—NON-BAILABLE—*concluded.*							
32	Theft, ordinary	379 to 381	12,444	12,084	2,520	9,470	20	74
33	Theft of cattle after preparation for causing death or hurt, or restraint.	382	14	17	9	8	...	...
34	Theft, ordinary, after preparation for causing death or hurt, or restraint.	„	17	29	7	12	8	2
35	Extortion by causing fear of death, or grievous hurt or accusation.	386 to 389	1	1	...	1	...	...
36	Robbery in a dwelling house	392, 393	75	88	45	38	...	5
37	„ on the highway	„	116	148	94	52	...	2
38	„ elsewhere	„	80	99	63	33	1	2
39	„ with hurt or deadly weapon, by poison or stupefying drugs.	394, 397, 398	20	17	8	8	...	1
40	„ „ „ „ by other means	„	26	40	12	23	...	5
41	Dacoity	395, 398	60	96	37	46	...	13
42	Dacoity with grievous hurt	397	5	9	1	8	...	...
43	Belonging to a gang of thieves	401	3	22	4	18	...	...
44	Criminal breach of trust	406 to 409	681	747	383	345	6	13
45	Dishonestly receiving stolen property	411 to 414	3,483	4,992	1,683	3,177	75	57
46	Serious mischief by fire	436, 438	76	27	22	5	...	...
47	Mischief after preparation made for causing death or hurt.	440	2	4	2	2	...	...
48	House-trespass in order to the committing of theft ...	451	71	73	20	53	...	...
49	„ „ „ „ an offence punishable with death or transportation for life.	449, 450	1	...	...	...	...	...
50	House-trespass, having made preparation for causing hurt	452	7	2	2	...	...	...
51	Lurking house-trespass or house-breaking ...	453, 456	3,646	674	168	502	1	3
52	„ „ „ in order to the committing of theft.	454, 457	10,574	6,043	1,652	4,289	21	81
53	Lurking house-trespass or house-breaking in order to the committing of an offence other than theft.	454, 457	21	20	7	13	..	...
54	Lurking house-trespass or house-breaking, having made preparation for causing hurt.	455, 458	33	53	18	31	...	4
55	Lurking house-trespass or house-breaking with attempt to cause death or grievous hurt.	459, 460	27	39	16	22	1	...
56	Forgery or fraudulently using or possessing forged document.	466 to 468 and 472 to 477	63	86	60	25	1	...
57	Fraudulent and unlawful marriages	493, 495, 496	17	36	26	10	...	...
58	Circulating false rumours to disturb the public peace ...	505	3	5	5	...	...	...
	B.—BAILABLE.							
59	Concealing a design to commit a bailable offence ...	119,120	1	2	...	2	...	...
60	Abetment of desertion	135 to 137	2	4	2	2	...	...
61	Personating a soldier	140	1	1	...	1	...	...
62	Being a member of, or joining, an unlawful assembly ...	143 to 145, 151, 158	33	191	74	117	...	...

1	2	3	4	5	6	7	8	9
Number.	NOMENCLATURE OF OFFENCES.	Number of Section of Indian Penal Code or other Penal Law applicable.	Number of offences reported during the year.	Number of persons under trial during the year.	Number of persons acquitted and discharged.	Number of persons convicted and committed.	Died, escaped or transferred.	Remaining under trial at the end of the year.
	B.—BAILABLE—*continued.*							
63	Abetment of an unlawful assembly	150, 157	5	35	15	20	...	...
64	Rioting	147 to 149, 152, 153	334	3,260	843	2,311	2	104
65	Affray	160	203	1,027	255	772	...	...
66	Bribery	161 to 165	162	237	169	57	1	10
67	Public servant disobeying a lawful direction with intent to cause injury.	166	14	24	10	12	...	2
68	Public servant framing an incorrect document with intent to cause injury.	167	9	9	4	4	...	1
69	Public servant unlawfully trading or buying property...	168, 169	6	11	6	5	...	...
70	Personating a public servant	170, 171	50	57	7	49	1	...
71	Evading, disobeying or preventing service of summons	172 to 174	71	216	103	110	1	2
72	Omitting to produce a document	175	4	4	2	2	...	...
73	Omitting to give information	176	84	251	77	171	...	3
74	Giving false information	177, 182	482	581	205	370	3	3
75	Refusing oath, answer or signature when duly required	178 to 180	4	4	...	4	...	...
76	Making false statement on oath	181	4	5	3	2	...	...
77	Resistance to the lawful taking or selling of property ...	183, 184	145	291	119	161	1	...
78	Illegally bidding at sale	185	1	1	...	1	...	...
79	Obstructing or omitting to assist a public servant ...	186, 187	228	520	231	270	...	19
80	Disobedience to lawful order	188	149	302	120	175	...	7
81	Threatening a public servant with injury	189	2	2	...	2	...	...
82	Giving or using false evidence (simple)	193, 196	230	457	215	214	1	27
83	Fabricating false evidence, or using fabricated evidence (simple).	193, 196	19	35	22	13	...	...
84	Signing or using a false certificate	197, 198	3	9	5	4	...	...
85	Making or using a false declaration	199, 200	6	7	2	5	...	...
86	Screening an offender by causing disappearance of evidence, &c.	201	25	61	27	34	...	...
87	Omitting to give information of an offence ...	202	25	59	23	32	...	4
88	Giving false information respecting an offence ...	203	11	22	13	9	...	...
89	Secreting or destroying documentary evidence ...	204	14	19	19	...	...	...
90	False personation in judicial proceedings	205	27	40	5	32	...	3
91	Fraudulently claiming or removing property to prevent legal seizure.	206, 207	20	39	15	19	1	4
92	Fraudulently suffering a decree...	208	3	3	2	1	...	...
93	False claim	209	19	32	12	18	...	2
94	Fraudulently obtaining or executing a decree ...	210	14	18	12	6	...	...
95	False charge of an offence	211	210	341	188	140	2	11
96	Harbouring an offender	212, 216	15	28	12	15	...	1
97	Taking gift to screen an offender	213 to 215	27	43	22	19	...	2

1	2	3	4	5	6	7	8	9
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	B.—BAILABLE—*continued.*							
98	Public servant fraudulently defeating punishment or forfeiture.	217, 218	12	24	8	15	1	...
99	Public servant omitting to apprehend or suffering to escape.	221, 222	10	17	5	12	...	...
100	Public servant negligently suffering an escape ...	223	77	120	33	85	...	2
101	Resistance to lawful apprehension and rescue ...	224, 225	156	192	48	142	2	...
102	Insulting a public servant during judicial proceedings...	228	69	72	2	70	...	...
103	Personating a juror or assessor	229	1	1	...	1	...	...
104	Using or preparing for use a stamp known to have been used before.	261 to 263	8	10	5	5	...	...
105	Using, possessing, making or selling false weights or measures.	264 to 267	110	170	50	182	...	4
106	Negligently or malignantly endangering human life ...	269, 270, 279, 280, 282, 285, 286, 289	134	342	66	276	...	...
107	Adulterating or selling adulterated food	272, 273	80	120	27	93	...	...
108	Do. Do. Do. drugs	274, 275	2	2	1	1	...	...
109	Knowingly selling one drug as another	276	1	2	...	2	...	...
110	Defiling the water of a public reservoir	277	13	26	5	21	...	...
111	Making atmosphere noxious to health	278	19	64	20	44	...	...
112	Exhibting false light or sea mark	281	...	1	...	1	...	...
113	Obstructing a public way	283	26	68	17	51	...	...
114	Committing nuisance	291	209	732	254	475	...	3
115	Selling or possessing obscene books	292, 293	2	2	2	...	...	...
116	Obscene songs	294	32	100	43	57	...	...
117	Religious insult	295, 297	69	153	115	38	...	...
118	Disturbing religious assembly	296	10	28	16	12	...	...
119	Causing death by rash or negligent act	304 A	55	87	22	64	...	1
120	Attempt to commit culpable homicide	308	6	7	2	5	...	...
121	Attempt to commit suicide	309	219	204	56	147	1	...
122	Causing miscarriage (simple)	312	20	34	20	13	...	1
123	Exposing and abandoning a child	317	22	17	7	10	...	...
124	Concealment of birth	318	22	19	6	12	...	1
125	Causing hurt	323, 334	2,891	5,836	3,247	2,548	4	37
126	Causing hurt by dangerous weapons	324	111	149	36	112	1	...
127	Causing hurt to extort confession, &c.	330, 332	15	44	15	29	...	...
128	Grievous hurt	325	520	691	231	445	1	14
129	Grievous hurt on grave and sudden provocation ...	335	36	80	31	49	...	...
130	Doing any act which endangers human safety ...	336, 337	12	21	14	7	...	...
131	Causing grievous hurt by an act which endangers human safety	338	28	58	39	18	...	1

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	B.—BAILABLE—*concluded.*							
132	Wrongful restraint	341	301	652	515	133	1	3
133	Wrongful confinement	342 to 344, 346	193	389	307	78	...	4
134	Wrongful confinement to extort property or confession...	347, 348	8	28	10	3	...	15
135	Assault or use of criminal force	352 to 355, 357, 358	16,306	38,323	31,373	6,459	11	480
136	Buying or disposing of any person as a slave ...	370	16	9	9	...	...	...
137	Unlawful compulsory labor	374	2	4	2	2	...	...
138	Extortion	384, 385	236	362	280	66	5	11
139	Dishonest misappropriation	403, 404	555	776	336	424	3	13
140	Cheating	417 to 420	724	1,069	690	345	10	24
141	Fraudulent disposition of property	421, 422, 424	9	12	11	1	...	...
142	Executing a deed containing false statement of consideration.	423	5	19	12	7	...	...
143	Mischief, ordinary	426, 427, 430 to 433	1,677	4,186	2,650	1,512	2	22
144	Mischief by poisoning or killing cattle	428, 429	461	521	285	227	...	9
145	Mischief by destroying land-marks	434	52	117	69	47	...	1
146	Mischief by fire	435	82	94	80	14	...	...
147	Criminal trespass	447	912	1,849	1,361	450	...	38
148	House-trespass (simple)	448	453	637	371	261	...	5
149	House-trespass in order to commit an offence (other than theft) punishable with imprisonment	451	41	52	19	33	...	...
150	Dishonestly opening a closed receptacle	461, 462	13	11	9	2	...	...
151	Forgery (simple)	465, 469, 471	93	168	125	28	2	13
152	Making or using false trade or property-mark ...	482 to 484 and 486 to 488	4	7	1	4	...	2
153	Making or possessing instrument for counterfeiting a trade-mark.	485	1	6	6	...	...	...
154	Removing or destroying a property mark ...	489	9	19	11	5	..	3
155	Criminal breaches of contracts of service... ...	490 to 492	45	113	85	22	...	6
156	Bigamy	494	120	265	239	18	1	7
157	Adultery	497	110	128	82	45	...	1
158	Enticing away a married woman	498	3,056	4,385	3,474	752	15	144
159	Defamation	500 to 502	210	319	233	83	...	3
160	Insult	504, 509	431	698	532	161	...	5
161	Criminal intimidation	506, 507, 508	32	52	45	7	...	...
162	Being drunk and disorderly	510	2	3	...	3	...	...
	II.—OFFENCES UNDER THE CRIMINAL PROCEDURE CODE.							
163	Contempts and disobedience of orders	Sec. 435, C. P. C.	112	134	12	122	...	...
164	Frivolous or vexatious complaints	„ 209, „	668	723	1	722	...	...
165	Recognizance to keep the peace	„ 489, „	1,283	4,675	967	3,675	1	32

1	2	3	4	5	6	7	8	9
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	II.—OFFENCES UNDER THE CRIMINAL PROCEDURE CODE—*concluded.*							
166	Security to keep the peace	Sec. 490, C. P. C.	829	3,070	1,056	2,005	1	
167	Lurking without ostensible means of subsistence ...	„ 504, „	481	648	150	489	5	4
168	Bad livelihood	„ 505, 506, „	4,952	6,050	887	5,126	7	30
169	Local nuisance	Chap XXXIX„	81	293	103	169	...	21
170	Disputes relating to possession	„ XL „	88	205	181	24	...	...
171	Maintenance of wives and children	„ XLI „	2,765	2,829	2,231	533	3	62
172	Proceedings to compel payment of penalty by accused	Section 396, „	17	22	6	14	...	2
173	Proceedings to compel payment of penalty by sureties	„ 397, „	62	77	16	61	...	...
174	Recovery of penalty from principal	„502, „	5	6	...	6	...	...
175	Do. do. from sureties	„ 514, „	79	114	8	106	...	...
	III.—OFFENCES UNDER SPECIAL AND LOCAL LAWS.							
176	Breach of laws relating to Excise on spirits and drugs	Acts X of 1871 & XVI of 1863.	196	300	76	221	2	1
177	Do. do. Opium	Acts X of 1871, XXVI of 1872 and XII of 1878.	391	676	186	476	...	14
178	Do. do. Salt and Saltpetre	Acts XXXI of 1861 XIV of 1843, XXXVI of 1855.	426	801	40	757	...	4
179	Do. do. Customs	Act VIII of 1875.	261	481	45	436	...	...
180	Do. do. Stamps	Act XVIII of 1869.	293	719	272	432	14	1
181	Do. do. Paper Currency	Act III of 1871.	1	9	...	9	...	...
182	Do. do. Post Offices	Act XIV of 1866.	30	31	13	17	...	1
183	Do. do. Electric Telegraph ...	Act VIII of 1860.	2	12	...	12	...	...
184	Do do. Prisons	Act XXVI of 1870.	22	27	4	23	...	...
185	Do. do. Forests	Act VII of 1865, Rules of 1855 and Act VII of 1878.	834	2,526	596	1,915	1	14
186	Do. do. Ferries	Act XVII of 1878.	12	34	...	34	...	...
187	Do. do. Canals	Act VIII of 1873	329	864	269	592	1	2
188	Do. do. Railways	Acts XVIII of 1854, XIII of 1870 and XXV of 1871.	190	266	56	208	...	2
189	Do. do. Stage Coaches	Act XVI of 1861.	11	19	7	12	...	...
190	Do do. Printing Presses	„ XXV of 1867	4	19	3	16	...	...
191	Do. do. Gaming	„ III of 1867,	247	1,199	264	933	...	2
192	Do. do. Wandering and dangerous lunatics	„ XXXVI of 1858.	3	3	3	...	...	...
193	Do. do. Cattle-trespass	„ I of 1871.	861	2,571	1,904	652	...	15
194	Do. do. Arms	„ XXXI of 1860, VI of 1866 and XI of 1878.	178	196	56	140	...	...

1	2	3	4	5	6	7	8	9
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	III.—OFFENCES UNDER SPECIAL AND LOCAL LAWS—*concluded.*							
195	Breach of laws relating to Emigration	Act VII of 1871.	8	11	4	7	...	...
196	Do. do. City Chaukidárs	„ XX of 1856.	10	30	4	26	...	...
197	Do. do. Cantonments	„ XXII of 1864.	2,624	4,558	298	4,256	..	4
198	Do. do. Nuisances under Section 34 of the Police Act.	„ V of 1861.	4,805	9,133	894	8,230	...	9
199	Breach of Police Act by police officers	Do.	70	131	53	77	...	1
200	Other offences punishable under Police Act ...	Do.	244	245	11	234	...	...
201	Nuisances under Punjab Municipal Act	„ IV of 1873.	2,316	6,286	1,391	3,875	...	20
202	Other offences under do.	Do.	1,197	1,786	315	1,467	1	
203	Purchasing soldiers' necessaries, stores, &c. and other offences under the Mutiny Act.	„ VII of 1867.	22	26	1	25	...	...
204	Breaches of contract by artificers and workmen ...	„ XIII of 1859.	313	830	667	159	...	4
205	Breach of laws relating to European Vagrancy ...	„ IX of 1874.	5	5	...	5	...	...
206	Do. do. Registration ...	„ VIII of 1871.	5	19	9	9	1	...
207	Do. do. Criminal Tribes and Eunuchs	„ XXVII of 1871.	555	739	90	623	20	6
208	Do. do, Village Watchmen ...	„ IV of 1872.	290	533	113	416	...	4
209	Do. do. Village Headmen ...	Do.	46	117	49	68	...	...
210	Do. do. Track Law	Do.	15	28	22	2	4	...
211	Breach of other rules under Punjab Laws' Act ...	Do,	234	605	141	464	...	...
212	Breach of law relating to Prostitutes	„ XXII of 1864.	467	539	101	434	...	4
213	Do. do. Murderous Outrages ...	„ XXIII of 1867 and IX of 1877.	1	1	...	1	...	...
214	Resistance to lawful apprehension	Sec. 651, Act X of 1877	6	9	3	6	...	...
215	Breach of law relating to Treasure-Trove	Act VI of 1878.	5	17	6	11	...	...
216	Offences under Frontier Regulation I of 1872, Section 3		2	15	...	15	...	...
217	Do. do. do. do. Section 4		13	18	...	18	...	...
218	Do. do. do. do. Section 8		11	25	7	18	...	...
219	Do. do do. do. IV of 1873, Section 2		...	1,263	606	626	...	31
220	Do. do. do. do. VII of 1873, Section 6		1	1	...	1	...	...

IMPERIAL RETURN

No. 3.

STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN THE TRIBUNALS OF THE VARIOUS CLASSES IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF TRIBUNALS.	NUMBER OF PERSONS DEALT WITH.							PERSONS DISPOSED OF.									REMARKS.
	Remaining at end of last year.	*Brought to trial during the year.*						Discharged without trial.	Acquitted.	Convicted.	Committed or referred.	Died, escaped or transferred.	Total.	Remaining at end of the year.	Average number of days during which each case lasted.	Number of witnesses who attended.	
		Upon arrest by police.	Upon warrant.	On summons.	Voluntarily.	Received by transfer.	Total.										
Unpaid Magistrates	83	8,554	925	15,880	660	1	26,103	8,645	4,241	13,110	11	13	26,020	83	5	29,572	
Paid Magistrates with local jurisdiction...	773	26,602	2,780	37,423	3,101	...	70,679	24,156	8,064	37,562	99	63	69,944	735	8	77,179	
Paid first, second, and third class Magistrates exercising jurisdiction throughout the district	783	27,568	5,585	20,646	982	35	55,599	20,726	5,084	28,183	631	154	54,778	821	10	97,301	
Chief Magistrates of the districts in the exercise of their ordinary jurisdiction ...	108	3,860	166	892	68	2	5,096	1,149	398	3,363	35	99	5,044	52	7	7,175	
Chief Magistrates of districts exercising jurisdiction under Sec. 36, Act X of 1872	85	1,598	237	35	11	2	1,968	496	217	1,188	...	7	1,908	60	14	6,256	
TOTAL MAGISTRACY ...	1,832	68,182	9,693	74,876	4,822	40	159,445	55,172	18,004	83,406	776	336	157,694	1,751	8	217,483	
Sessions Courts	58	776	...	...	...	...	834	...	274	361	126	4	765	69	58	5,327	
Chief Court	...	1	...	...	...	...	1	...	...	1	...	...	1	...	54	22	
GRAND TOTAL ...	1,890	68,959	9,693	74,876	4,822	40	160,280	55,172	18,278	83,768	902	340	158,460	1,820	40	222,832	

IMPERIAL RETURN.

No. 4.

STATEMENT SHOWING THE PUNISHMENTS INFLICTED BY THE VARIOUS CLASSES OF CRIMINAL TRIBUNALS IN THE PUNJAB DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
	PERSONS SENTENCED TO												PERSONS ORDERED TO FIND OR GIVE			DETAIL OF PUNISHMENTS.																					
		TRANSPORTATION.			IMPRISONMENT.				FINE.		WHIPPING.					FINE.									IMPRISONMENT.												WHIPPING.		
					Rigorous.																				*One month.*		*Six months.*		*Two years.*		*Seven years.*		*Above 7 years.*				
Class of Criminal Tribunals.	Death.	For life.	For a term.	Total servitude.	With solitary confinement.	Without solitary confinement.	Simple.	Forfeiture of property.	With imprisonment.	Without imprisonment.	In addition to other punishment.	In lieu of other punishment.	Surety of the peace.	Recognizance.	Sureties for good behaviour.	Rs. 10 and under.	Rs. 50.	Rs. 100.	Rs. 500.	Rs. 1,000.	Above Rs. 1,000.	Total amount of fines.	Amount realized.	Amount paid by way of compensation.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Simple.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.
Unpaid Magistrates	...	...	...	...	779	1,102	104	...	977	10,583	20	281	16	...	212	10,668	836	45	11	...	...	45,911	35,747	3,490	662	92	1,052	12	227	...	...	...	...	...	136	136	28
Paid Magistrates with local jurisdiction ..	...	...	...	...	3,240	3,340	329	...	4,759	26,277	98	1,994	787	253	727	27,706	3,180	121	28	1	...	1,84,676	1,52,253	19,715	2,099	245	3,794	79	687	7	...	...	...	...	716	1,014	262
Paid first, second, and third class Magistrates exercising jurisdiction throughout the district	...	...	...	...	6,261	2,712	263	...	6,382	7,921	344	2,188	2,409	1,823	3,902	8,403	5,298	466	132	3	1	2,62,434	1,56,499	12,611	1,121	122	3,144	119	4,702	22	7	...	...	...	468	1,247	819
Chief Magistrates of districts in the exercise of their ordinary jurisdiction ...	1	...	...	...	700	213	24	...	438	1,276	69	352	226	166	774	816	704	133	106	3	2	63,379	45,277	16,249	80	17	267	6	566	1	...	...	...	...	80	170	171
Chief Magistrates of districts exercising jurisdiction under Section 36, Act X of 1872	...	...	19	...	905	137	3	...	521	102	60	18	...	...	...	98	364	115	40	4	2	37,928	15,135	6,080	5	1	83	1	282	1	669	...	2	...	1	21	56
Total Magistracy ...	1	...	19	...	11,885	7,505	723	...	13,127	46,159	594	4,833	3,438	2,242	5,615	47,691	10,282	880	317	11	5	5,94,328	4,04,911	58,345	3,907	475	8,340	217	6,465	31	676	...	2	...	1,393	2,588	1,446
Sessions Courts	126	122	18	...	135	80	3	2	89	3	2	...	4	3	...	...	37	39	13	...	1	10,870	3,935	2,111	..	1	19	2	48	...	125	...	22	..	...	1	1
Chief Court	...	...	...	...	...	1	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...
GRAND TOTAL ...	127	122	37	...	12,020	7,586	726	2	13,216	46,162	596	4,833	3,442	2,245	5,615	47,691	10,419	919	332	11	6	6,05,198	4,14,846	60,456	3,907	476	8,359	219	6,514	31	802	...	24	...	1,393	2,589	1,447

IMPERIAL RETURN. No. 5.

STATEMENT SHOWING THE RESULT OF APPEAL AND REVISION IN CRIMINAL CASES IN THE PROVINCE OF THE PUNJAB DURING THE YEAR 1878.

1	2	3	4	5	6	7	8	9	10	11
Tribunals.	Number of persons applying for revision under Section 297 Criminal Procedure Code.	Number of Persons.								Remarks.
		Appeals or applications rejected.	Sentences confirmed.	Sentences modified and enhanced.	Sentences reversed.	Proceedings quashed.	Further evidence or enquiry ordered.	Pending.	Cases referred for revision to Chief Court.	
Magistrates of Districts. Appeals from unpaid Magistrates	...	87	235	63	182	4	27	11	23	
Appeals from paid Magistrates ...	...	453	1,272	419	684	12	99	45	75	
Total ...	...	540	1,507	482	866	16	126	56	98	
Sessions Courts. Appeals from unpaid Magistrates	...	51	20	10	23	...	1	2	...	
Appeals from paid Magistrates ...	...	1,129	1,532	307	652	13	77	79	20	
Total ...	...	1,180	1,552	317	675	13	78	81	20	
Chief Court. Appeals	...	341	337	97	60	1	10	66	...	
Revision	1,064	795	210	193	95	152	...	94	...	
Total ...	1,064	1,136	547	290	155	153	10	160	...	
Grand Total ...	1,064	2,856	3,606	1,089	1,696	172	214	297	118	

IMPERIAL RETURN.

No. 11.

STATEMENT SHOWING USE OF JURIES AND ASSESSORS IN THE CRIMINAL COURTS OF THE PROVINCE OF THE PUNJAB IN THE YEAR 1878.

1	2	3	4	5	6	7	8	9
				Jury trials.		Assessors trials.		
Courts.	Established or average number of Jury or Assessors in each case and prescribed qualifications.	Number of cases tried by Jury.	Number of cases with Assessors.	Cases in which Judge approved of verdict.	Cases in which Judge did not approve of verdict.	Cases in which Judge agreed with Assessors.	Cases in which Judge differed from Assessors.	Note showing in what class of cases Juries and Assessors have been principally employed.
Chief Court	9	1	...	1	...	...	...	...
Sessions Courts.								
Delhi	3	...	25	...	...	23	...	Assessors in all sessions cases.
Hissar	3	...	13	...	...	10	3	
Umballa	3	...	26	...	...	24	2	
Jullundur	3	...	26	...	...	25	1	
Amritsar	3	...	34	...	...	22	12	
Lahore	3	...	27	...	...	21	6	
Rawalpindi	2	...	80	...	...	65	15	
Mooltan	3	...	40	...	...	37	3	
Deraját	3	...	36	...	...	33	3	
Peshawár	3	...	108	...	...	92	16	
Total ...	3	1	415	1	...	*354	61	

* In 15 cases the Assessors were not called to give their opinion.

Resolution of the Hon'ble the Lieutenant-Governor, Punjab, in the Home Department, No. 2937, dated 9th August 1879.

READ—

Report on the Administration of Criminal Justice in the Punjab, for the year 1878, with letter No. 1220, dated 3rd May 1879, from the Registrar of the Chief Court, and received in print on 26th idem.

REMARKS.—The exceptional character of the year 1878 has affected every branch of the Administration, and amongst others that of criminal and civil justice. In the first place the year was exceedingly unhealthy; more so perhaps than any since the record of life statistics has enabled the Government to judge of the amount of sickness and mortality. Secondly, scarcity almost amounting to famine prevailed in many districts of the Punjab, and everywhere prices were high, and distress among the artizan classes was extreme. Lastly, the Afghan War, on the borders of the Punjab, affected its judicial administration in a marked degree.

2. These abnormal conditions are seen in the criminal statistics of the year. The increase of non-bailable offences is exceedingly large. In 1877 an increase of nearly 7 per cent. was recorded; this year there is a further increase of 19 per cent. The superficial explanation regarding both the increase of non-bailable offences and the decrease of bailable ones is undoubtedly the correct one. The increase is found under the heads of ordinary theft, cattle theft, lurking house-trespass or house-breaking, and trespass with intent to commit theft, and is due to high prices and widespread distress; and the Hon'ble the Lieutenant-Governor thinks it inevitable that in times of so much pressure and suffering there should be in this direction an increase of what is technically called crime. The population of the Punjab, as that of the rest of India, is singularly patient and enduring. There is here, as elsewhere, unfortunately, only too wide a border-land, largely inhabited, separating sufficiency from famine, starvation, and death; and it is rather a matter of surprise that in a year when, in some districts, the price of food grain rose to 5, 6 and 7 seers per rupee, there was not a far larger increase of those offences which represent the struggle of the starving to procure subsistence for themselves and their families. In the interests of society, such offences must be punished; but the Lieutenant-Governor does not consider that this large increase of non-bailable offences in the past year shows either lax police administration, or any increase in the activity of what is correctly termed the criminal population.

3. It is a matter of satisfaction to the Lieutenant-Governor that of the four districts which alone show a decrease in non-bailable crimes, although in two of these the decrease is not considerable, three are the frontier districts of Peshawar, Dera Ismail Khan and Kohat, where, owing to the passage of large convoys of grain and military stores, the presence of an excitable population, sympathetic, in many instances, with the powers with which the British Government was at war, the temptation to theft or violent crime was unusually great; and it is the more satisfactory to find that the recent arrangements which have been made for the re-organization of the police and the prevention and detection of serious crime have worked so as to bring about such good results. In Peshawar, where the temptation to crime was, perhaps, greater than in the other frontier districts, the diminution in serious crime is the greatest, amounting to no less than 22 per cent., and it may be remarked that it is in this district that the greatest improvement in the internal police administration has been effected, in accordance with the recommendations of the Border Defence Committee, which last year received the general approval of the Government of India.

4. There is, in the Peshawar District, a continued decrease in the number of murders committed; in the year under review 53 only being reported against 69 in the previous year. The Lieutenant-Governor considers that this result is in great part due to the firm and energetic manner in which the administration of criminal justice was presided over by Mr. Elsmie, Sessions Judge, who was removed from Peshawar to fill a temporary vacancy in the Chief Court of the Punjab. The Lieutenant-Governor observes that the per-

centage of acquittals in Peshawar has risen during the past year to 48 per cent., far above the average of the Province, and he would impress upon the Judges of the Chief Court the necessity of the Sessions Judge, who has succeeded Mr. Elsmie, using the powers which the criminal law has placed in his hands, in such a manner as to ensure the certain punishment of murderers, who, in Peshawar, still enjoy too great immunity.

5. For serious offences against property, including theft, receiving stolen property, burglary, or housebreaking, the proportion of persons brought to trial, or convicted, was larger than in former years, being 76 per cent. as against 72 in 1877, and 71 in 1876. A slight increase in highway robberies, as might have been expected, is shown; nor are the results of the prosecution of this class of offence so satisfactory as in past years.

6. In bailable crime there is little to call for special remark; those classes of case in which the most notable decrease occurs being assault, and in charges for the enticement away of married women. Such offences are almost as directly affected by the poverty and sickness of the year as those against property. The increase in the number of prosecutions under the Criminal Tribes' Act, from 300 to 556, is due, not only to the stringency of the rules, but to the extension of the Act to criminal tribes in hitherto unproclaimed districts. The Lieutenant-Governor is satisfied to think that the Act on the whole works fairly well; and he has lately directed the Magistracy to supplement its provisions by enforcing against bad characters belonging to criminal tribes those sections of the Procedure Code which provide for security being taken from suspicious or notoriously dangerous persons.

7. 157,613 persons were brought before the various Judicial Courts during the year, as compared with 154,362 during 1877. As pointed out by the Judges, the increase in the proportion of persons arrested by the police, and the decrease in the proportion of those who attended in obedience to a summons, correspond to the altered proportion between the number of persons charged with non-bailable and bailable offences.

8. The average duration of cases in District Courts was eight days, as it has been for the past five years. The average was far too high in the Amritsar, Hoshiarpur, Jhang and Montgomery Districts; while the average duration of cases disposed of by Magistrates of districts, under Section 36 of the Criminal Procedure Code, which was generally 14 days, rose to 40 days in Jhang, 37 in Rawalpindi, 31 in Ludhiana and 28 in Rohtak. The Judges are requested to convey to the Deputy Commissioners of those districts an expression of the grave dissatisfaction of the Lieutenant-Governor, at this most unsatisfactory, and in the case of the Jhang District, where the district work is light, scandalously long duration of cases. In this expression of opinion, the Lieutenant-Governor has not overlooked the fact that the Rawalpindi District is one in which the criminal work is exceedingly heavy, and that both in it and Jhang, complainants and witnesses have long distances to travel, without the assistance of railways, which more or less assist communication elsewhere.

9. The criminal work has been disposed of in much the same proportion as last year, with the exception, as noted by the Chief Court, that the bulk of the increased work fell upon Extra Assistant Commissioners. This is, however, to be explained by the fact that, during the latter months of the year, many English officers and one Native Judicial Assistant Commissioner were deputed on special political duty connected with the Afghan War, and that in their place additional Extra Assistant Commissioners were appointed to dispose of the judicial work.

10. The Lieutenant-Governor would desire the Judges to carefully watch the returns of criminal cases decided by Tahsildars; and, indeed, His Honor has no doubt, from the remarks of the Judges, that this matter engages their close attention. He desires these officers to be as far relieved as possible from criminal work, so that their time may be given to those matters for which they are especially appointed. This object can perhaps be best attained by directing Commissioners to scrutinize at frequent intervals the distribution of criminal work. At the same time he fully recognizes that the convenience of the population requires, in large districts like Jhelum or Rawalpindi, where

the head-quarters are not centrically situated, that more criminal work should be imposed upon the Tahsildars than would otherwise fall to their share. In such cases, they should, as far as possible, be relieved by the munsiffs of the civil work which they would ordinarily dispose of.

11. A fair amount of work has been performed by Boards of Honorary and Municipal Magistrates, as by Honorary and Jagirdar Magistrates sitting alone. Specially noticeable for their exertions are the Magisterial Boards of Amritsar and Delhi, and Shahzada Nadir, Sardar Ajit Singh, Raja Sirat Singh, and Sardar Jhanda Singh, whose courts are all popular, and they have performed valuable service. It is observed that both the Commissioner and Deputy Commissioner consider that there is room for improvement in the Amritsar Board, and this the Lieutenant-Governor does not doubt; but he is confident that the local authorities, by their support and constant supervision will enable the Judges next year to give as good a report of the quality as they have of the quantity of the work performed. With reference to the remarks of the Deputy Commissioner, Mooltan, on the working of the Mooltan Board, the Lieutenant-Governor observes that more weight would be attached to his opinion had he shown that care, and exercised that supervision over both Municipal and Magisterial Boards of the city which from other reports His Honor understands he has failed to bestow.

The Lieutenant-Governor notices with regret the loss which the Lahore Board of Magistrates has sustained in the death of Pandit Joala Nath, an able and conscientious gentleman.

12. It is difficult to apply any exact criticism to the percentages of convictions and committals in the different classes of Magistrates' Courts, although the variation is exceedingly great. The Lieutenant-Governor would only desire to direct the attention of the Judges to the very high percentage of convictions and committals in the Cantonment Magistrates' Courts, for these are under less real control than others; while out of 7,700 cases some 2,500 were disposed of summarily. It is a question whether these courts which ordinarily represent the smallest amount of judicial experience should be allowed to exercise summary powers, although, on the other hand, it may be fairly urged that the majority of cases are trifling both from the character of the offences and from the amount of punishment awarded, being mostly for breach of cantonment or sanitary regulations. The whole question of summary jurisdiction requires the constant attention of the Chief Court. The Lieutenant-Governor is disposed to think that these powers have been perhaps too widely distributed, and he would, on the recommendation of the Judges, be at once prepared to withdraw them, in the case of any officers who show carelessness or apathy in using them; nor in the future would he desire that summary jurisdiction should be recommended for any except selected officers, who have proved both their patience and ability.

13. No special remarks are necessary with regard to trials held under the Frontier Regulations. These doubtless require the constant attention of Commissioners of Divisions, so as to prevent crimes which deserve heavier punishment than the simple fine which the Council of Elders can award, or in which there is sufficient evidence to obtain a conviction in the ordinary courts, from being made over to the village tribunals, which are at the best a very imperfect substitute for the rigorous procedure and deterrent punishments of the regular courts.

14. The Lieutenant-Governor is glad to observe that the question of the detention of witnesses is carefully watched by the Chief Court. The percentage of the past year differs but little from that of the preceding one; although, where it does differ, it is for the worse; and certain districts, notably Amritsar, Jhelum, Jhang, Muzaffargarh, Bannu and Hazara, show a very unfavorable average. To the Deputy Commissioner of Bannu, the expression of the Lieutenant-Governor's dissatisfaction should be conveyed at the delay in the disposal of criminal cases in his district. The work of this officer, His Honor is aware, is good and thorough; but no amount of attention bestowed upon a case compensates for the inconvenience imposed upon witnesses by prolonged detention at the courts.

15. The Judges have called the attention of several Deputy Commissioners to the large amount of criminal appeals which they have allowed to be disposed of by Judicial Assistants and which they should have taken up themselves; and the Lieutenant-Governor expects that the officers in question will in the next annual report be shown to have followed the instructions which have now been conveyed to them.

16. The chapter on preventive jurisdiction is as interesting as the subject is important. In the remarks conveyed last year, it was pointed out that burglarious offences diminish greatly when active measures are taken for placing persons of known bad character upon security for good behaviour; that these measures should not be oppressive, nor left alone to the Police; but that the Deputy Commissioner should himself, in communication with the head-men of villages, and, during his cold weather tours, ascertain who the persons of notoriously bad character are, placing them on security, and making the amount of security proportional to the means of the accused. So long as those sections of the Criminal Procedure Code regarding security to keep the peace, or for good behaviour, are worked with discretion, and the recommendations of the police are carefully scrutinized by the Deputy Commissioner, and accused persons are allowed ample opportunities both of establishing their characters and of obtaining release from the register when they have, by a uniform course of good conduct, shown themselves to be entitled to such consideration, the Lieutenant-Governor holds that they are the most valuable means of prevention which can be placed in the hands of the District Officer. In the observations recorded by the Judges on this point, the Lieutenant-Governor has only to express his concurrence.

17. The work of the Chief Court has largely increased during the past year; the number of criminal appeals having risen from 532 to 680. Although the heavy pressure of work has prevented the Judges from inspecting the subordinate courts, yet every paragraph of the present report shows their anxiety to improve the administration of criminal justice of the Province, and the Lieutenant-Governor would desire to express to the Judges his acknowledgments for the same.

ORDER.—Ordered, that a copy of the foregoing be forwarded to the Registrar of the Chief Court for the information of the Judges, and for annexure to, and circulation with, the report.

Ordered also, that a copy be printed and published in the *Punjab Government Gazette*.

By order of the Hon'ble the Lieutenant-Governor,

LEPEL GRIFFIN,

Secretary to Government, Punjab.

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